EXTENSIONS OF REMARKS

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. TRAFICANT. Mr. Speaker, for the last several months, I have been investigating the case of former Immigration and Naturalization Service Agent Joseph Occhipinti. Since his unjust conviction in 1991, Joe Occhipinti has been fighting to vindicate himself and his good name. Mr. Occhipinti has compiled statements and other evidence that is crucial to his case. In order to ensure the integrity of this evidence, I will—beginning today—submit copies of this key evidence into the CONGRESSIONAL RECORD.

Mr. Occhipinti is fighting for a new trial and has been ordered by a Federal judge to turn over all the evidence he has compiled to the U.S. attorney's office. Joe Occhipinti was a dedicated and honest law enforcement officer who tried his best to win the war on drugs. Any objective review of the facts surrounding his case raises serious questions. I believe that Joe Occhipinti was wrongly convicted and may have been the victim of a conspiracy by the Dominican drug cartel in New York City. I have filed freedom of information requests with the Federal Bureau of Investigation, the INS, and the New York City Police Department—demanding copies of all files related to the Occhipinti case. I have also asked the House Judiciary Committee to investigate the case.

Mr. Occhipinti's problems stemmed from Operation Bodega, an aggressive INS/NYPD operation he headed from 1988 to 1990 to suppress a wide variety of organized crime activity in the Washington Heights section of New York City. The operation was conducted in response to the drug-related murder of NYPD Officer Michael Buczek in October 1988. A total of 55 business establishments were investigated in Washington Heights during the operation either by court-obtained search warrant or consensual search. Illegal activity was uncovered at each and every location. The operation resulted in more than 25 convictions, and put extreme pressure on the Dominican drug lords. Political pressure was brought to bear on local officials by a group called the Federation of Dominican Merchants and Industrialists of New York—a group many local law enforcement agents defined as a front for Dominican organized crime.

In March 1991, Occhipinti was indicted for alleged civil rights violations in connection with Operation Bodega. All of the key witnesses against Occhipinti had criminal records. This information was not allowed by the judge to be presented to the jury. The prosecution contended that Mr. Occhipinti's searches violated the civil rights of the businesspeople searched—even though illegal activity was uncovered at every location. Later that year, Mr. Occhipinti was found guilty and sentenced to 37 months in Federal prison. After losing his appeal 11 months later, Occhipinti went to prison in June 1992. Although President Bush commuted his sentence on January 15, 1993, Mr. Occhipinti's conviction still stands.

During his 22 years as an INS agent, Occhipinti compiled an impressive record, earning more than 78 commendations and 3 Attorney General awards for valor and meritorious service. He is the most decorated Federal agent in U.S. history.

Below is the first in a series of submissions of key evidence that I plan to make in the coming days:

JOE OCCHIPINTI
LEGAL DEFENSE FUND, INC.,
Manalapan, NJ, November 1, 1993.

U.S. Representative JAMES A. TRAFICANT,
17th District, OH, Rayburn Office Bldg., Washington, DC.

DEAR CONGRESSMAN TRAFICANT, thank you for offering to place in the Congressional Record Joe-Occhipinti's brief in support of a motion for a new trial, and an overview of the evidence of his innocence.

Joe Occhipinti is an American hero. He was a front-line soldier in America's war on drugs. In his 22 years of service as a federal agent, he became one of the most highly decorated federal agents in U.S. history, with 78 commendations and awards. His reward for this service was being set up by Dominican drug lords on specious civil rights violations; being made to stand unfair trial before Judge Constance Baker Motley, who denied him a replacement defense attorney when his own had a nervous breakdown and became suicidal; having a one-hour appeals hearing wherein the judges did not review the briefs and were intimidated by hundreds of Dominican protestors chanting "No Justice, No Peace," and threatening to riot if the conviction was overturned; being sentenced to 37 months in a maximum security federal prison; and contrary to a court agreement, being sent to an Oklahoma prison and placed in "general population" with convicted alien drug dealers (a de facto death sentence). His life, and his family's has been ruined, and today they live knowing their safety is in jeopardy. For political expediency and Peace—in Joe's case, there was—No Justice!

For the last eleven months, I've been privy to all the intimate aspects of the Occhipinti case, and my relationship with Joe has afforded me access to in-depth evidence of his innocence, and personal interviews with key witnesses. Any objective review of the evidence will dictate the conclusion that Occhipinti was the target of a well-orchestrated conspiracy by a Dominican drug cartel, with the naive complicity of the Dinkins administration. Their motive was to neutralize Joe and his task force (Project Bodega), because its aggressive anti-organized crime operation was devastating the profits of their drug trade and related activity, was exposing the tentacles of their network and corruption in official governmental agencies, uncovered their role in voter fraud in the '89 election, and was about to reveal their "official" link to some members of the Dinkins administration. The above facts were clearly encapsulated in Mike McAlary's N.Y. Post series "The Framing of a Cop" (p. 262 enclosed).

Although President Bush granted "executive clemency" and commuted Joe's sentence on 1/15/93, a full pardon was denied for political reasons. Hence, Occhipinti remains a known felon, devoid of civil rights—in effect, a political prisoner. Since 1/16/93, he has labored unceasingly to clear his name, prove his innocence and expose the cartel. On 6/17/93 in a N.Y. Daily News article, an N.Y.P.D. spokesman confirmed that the "Federation" is simply a front for the drug cartel (p. 260 enclosed). In addition, the same article reveals that when the Checo brothers, who had testified against Occhipinti, were arrested on 6/16/93 on charges of illegal gambling and attempted bribery of police officers, an irate female employee screamed at the officers, "We're going to do you like we did Occhipinti."

N.J. Assembly Resolution 107 (p.250), and N.J. Senate Resolution 86 (p.252) memorializes President Clinton to appoint a special prosecutor to investigate all aspects of the case—and if the evidence warrants, grant a full presidential pardon. Of, if the evidence is inconclusive, grant a new trial. Joe is willing to risk a possible return to prison to vindicate himself at a new trial.

On 7/15/93, Anthony Pope, Joe's attorney, filed motions with the original judge, Constance Baker Motley, for: (1) a new trial; (2) the Judge to recuse herself for conflict of interest; and (3) a change of venue out of Southern District, where Joe's Project Esquire had uncovered corruption in the U.S. Attorney's office. To date, in her arrogance, she's refused to answer the motions.

Instead, she issued an order to Occhipinti that he must turn over all evidence accumulated to the U.S. Attorney's Office, on or before 10/18/93; in spite of the fact there's no pending trial. In response, Anthony Pope demanded an evidentiary hearing to create a record (letters enclosed). His motion was denied by Motley. In response, she issued another order that Occhipinti obtain a court-approved interpreter to officially translate those affidavits and tapes in Spanish to English (estimated cost: $25,000). Pope immediately filed a motion for C.J.A. aid because Occhipinti is indigent. She denied the motion.

We address these issues to you and ask your aid for the following reasons:

(1) We suspect Judge Motley will use Occhipinti's financial inability to meet the translation order as an excuse to dismiss the new trial, recusal, and change of venture motions.

(2) In Joe's first trial, the Judge ordered original primary defense evidence turned over to federal marshals and the U.S. Attorney. Evidence was denied him at trial and defense witnesses were harassed and pressured. We fear a replay. Hence, we present you our evidence and witness list (enclosed), to put the information in the public domain, via the Congressional Record, in the hope of

preempting the intimidation tactics of the U.S. Attorney. Also, some witnesses' lives will be in danger if their names are arbitrarily released by the U.S. Attorney. Please recall journalist Manuel De Dios was executed by the drug cartel, after coming forward with evidence of Occhipinti's innocence!

(3) Occhipinti's first trial was a sham and we hope that exposure in the Congressional Record of that fact will avoid another travesty.

Please recall that Joe was only given two months to prepare for trial after indictment—unheard of in a criminal trial in Southern District. The Judge was pre-selected, rather than chosen by lot (the wheel). The Judge is a political ally of David Dinkins. The Judge is a self-proclaimed "civil rights activist" but the "real" record (CONGRESSIONAL RECORD, 8/30/66, p. 239 enclosed) reveals she's a lifelong radical, had been, and may still possibly be, a Communist Party activist, and because of her personal philosophy and agenda, should have recused herself in this case. A review of the five-week trial and 4,000 page transcript will convince even the most skeptical that civil rights activist Judge Constance Baker Motley routinely violated the civil rights of Joe Occhipinti and denied him a fair trial. It's interesting to note that either because of ineptitude or personal prejudice, with 33 years experience on the Federal bench, Judge Motley has the distinction of being the most "overturned" judge in the Southern District.

Of further import is the fact that the prosecutor, Jeh Johnson, should have recused himself for conflict of interest. Besides being the former law clerk and family friend of Judge Motley, he's also alleged to be her "godson." Furthermore, it was Jeh Johnson who was given the evidence and closed down Occhipinti's Project Esquire—which uncovered corruption and official misconduct in Johnson's office. In addition, prosecutorial misconduct has been alleged in the fact that Johnson was given the information documenting the drug cartel conspiracy, a year prior to Occhipinti's indictment, by police informant Alma Camarena (affidavit on p. 54). Johnson bragged that he'd use the Occhipinti conviction as a stepping stone to a high-paying private sector job. He's achieved that goal through his present position with Paul, Weiss, Rifkind, Wharton, et al. While some of us decorate our office walls with golf trophies, family photos or other mementos, Johnson adorns his with photos of the Occhipinti trial.

IN CONCLUSION

The Occhipinti case far supercedes Joe. Every law enforcement officer has been adversely affected. For example, the metropolitan area Port Authority police, in gross nonfeasance, have "stood down" since Joe's conviction, and are no longer conducting consentual searches, or interdicting "illegals" or narcotics—out of fear of civil rights charges.

Dick Callaghan, President of Federal Agents P.B.A., informed me that in the year prior to Occhipinti's conviction, the local office of the D.E.A. conducted 2,700 investigations. That number shrank to 500 in the year after the conviction because of the fear the agents had that the tactic used to send Occhipinti to prison would be used on them. And now, all over the country, we see the "civil rights" ploy being used to prosecute innocent lawman, such as Officer Della-Pizzi in New York City, or Sgt. Paul Mangelson in Utah.

All Joe wants is a new trial and a fair trial. Since his conviction, voluminous evidence of his innocence has been accumulated. Yet, Judge Motley is stonewalling the motions. What is her fear? She won't even grant an evidentiary hearing. Why not? If there's not enough evidence submitted, the Occhipinti issue will simply die there.

Allow me to quote from just one of the enclosed affidavits—that of Ramon Antonio Grullon, 8/19/93 (p. 201):

(1) "I am the former Consul of the Dominican Republic to Philadelphia, the former Consul General and Ambassador to Kingston, Jamaica, as well as other diplomatic positions I held for the Government of the Dominican Republic.

(2) On or about the end of 1989, I was personally told by Dominican businessmen Jose Delio Marte, Silvio Sanchez, Pedro Allegria and Ernesto Farbege that they needed my political assistance in "eliminating" former Immigration Officer Joseph Occhipinti. They explained to me that Occhipinti was a threat to their illegal businesses, which included loan sharking, gambling, drug distribution and the employment of illegal aliens. Pedro Allegria, Richard Knipping, Jose Delio Marte and a man called "Pepe," the brother-in-law to Delio Marte, operate a major loan sharking operation out of Sea Crest Trading Company where they set up Bodegas to conduct their illegal businesses. They also use Joel associates, Hamilton Drug Stores, and Hamilton Hardware located at West 136th and Hamilton Place from which illegal wire transfers from drug proceeds are made to the Dominican Republic.

I was told that Occhipinti would be eliminated on false allegations that he was shaking down the Bodega owners. They invited me to attend a press conference at the Club Deportivo (168th Street & Audubon Avenue) where they wanted to solicit the help of the Spanish media to publicize the false allegations. They told me I was needed because of my political position which give credibility to their allegations. I refused because I didn't want any trouble.

(3) On or about April, 1990, Jose Delio Marte and Silvio Sanchez again approached me to accompany them as a protestor at City Hall against Occhipinti to make the same false allegations. I again refused . . ." (only a portion of the two affidavits.)

Congressman, I'm not an attorney; nor am I a Swiss watchmaker, but I do know how to tell time. As a layman—putting aside hundreds of pages of documents, affidavits, 100 witnesses and countless undercover tape recordings—the above three paragraphs are enough for me to demand that justice be done in this case! If Occhipinti is willing to risk a return to jail if a new trial goes against him, the bureaucrats should be willing to risk a few taxpayers' shekels to grant a new trial, or at the very least, an evidentiary hearing, in order to resolve this case once and for all.

Again, Congressman, I sincerely thank you for all your help. I believe your action, placing the following pages in the CONGRESSIONAL RECORD, will afford us a national public forum to plead our case, and if some of your colleagues join your cause, I'm convinced we'll win our day in court—or a full presidential pardon.

Sincerely,

GREG KAYE,
Director.

JOE OCCHIPINTI
LEGAL DEFENSE FUND, INC.,
Manalapan, NJ.

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(36) N.J. Assembly Resolution 107, on behalf of Occhipinti; and sponsor Dick Kamin's remarks. Passed unanimously on 2/18/93. Pp. 250–251.

(37) N.J. Senate Resolution 86, on behalf of Occhipinti. Passed Senate Committee on Law and Public Safety unanimously on 7/13/93. Due to pass full Senate, Nov. 1993. Pp. 252–253.

(38) Congressional Record on Occhipinti, 4/28/93, Rep. Dick Zimmer, N.J. 12th District. P. 254.

(39) Sample of petition to President Clinton, national petition drive on behalf of Occhipinti. P. 255.

(40) Letter to President Clinton on behalf of Occhipinti; drafted by Rep. Susan Molinari, and co-signed by ten other Congressmen. P. 256

(41) Recent news articles on Occhipinti. Pp. 257–269.

(42)* N.Y. Daily News, 6/17/93, N.Y.P.D. Spokesman Lt. Raymond O'Donnell confirms Occhipinti's contention that the "Federation of Dominican Merchants and Industriallists" is a front for the Dominican drug cartel. P. 260.

(43) N.Y. Post 10/9/91, Mike McAlary, "The Framing of A Cop". Pp. 262–263.

(44) "Strange Justice—Updated," article written by Greg Kaye for Chronicles Magazine, an overview of the Occhipinti story. Pp. 270–279.

[In the U.S. District Court, Southern District of New York, Criminal No. 91CR168 (CBM)]

UNITED STATES OF AMERICA, PLAINTIFF, VERSUS JOSEPH OCCHIPINTI, DEFENDANT

STATEMENT OF FACTS

On November 26, 1991, following a trial by jury before the Honorable Constance Baker Motley, in the United States District Court for the Southern District of New York, a judgment of conviction was entered against former Immigration and naturalization Services (INS) Special Agent, Joseph Occhipinti.

The Indictment upon which Mr. Occhipinti was convicted, initially charged him with twenty five counts in which the jury returned guilty verdicts on seventeenth counts of same. Specifically the charges of the Indictment alleged various Civil Rights violations against Dominican natives, false statements on INS Reports and Embezzlement.

The charges resulting in a conviction, which related to Civil Rights Violations and False Statements, allegedly arose during the period of 1989 or 1990, during Occhipinti's "Project Bodega" investigation, conducted by himself and other Special Agents on behalf of the INS. This investigation was initiated as a result of the murder of New York Police Officer, Michael Buczek, who was believed to have been killed by Dominican drug dealer, Daniel Mirambeaux. During the curse of the investigation, information was discovered relating to convicted drug dealer, Freddie Antonio Then (hereinafter referred to as Then). This information indicated that Then was involved in money laundering, drug trafficking and other criminal conduct, in which he used storefronts (bodegas) as a go between for same, which resulted in the initiation of "Project Bodega."

At trial of the Government's thirty-five witnesses, a majority of same were several Dominican natives who were employed, owned and/or managed various grocery stores (bodegas) on the upper west side of Manhattan. Specifically, these witnesses testified that in 1989 or 1990, Occhipinti with other INS agents, conducted searches of their bodegas, and sometimes individuals, without obtaining consent of the person(s) during the subject search. Moreover, it was further elicited by the Government that some of the witnesses, at Occhipinti's request, executed blank consent to search forms.

In addition to the foregoing allegations, the bodega witnesses also testified that during the subject searches, monies were confiscated and never returned to them. However, it should be noted that the jury did not return a conviction on any of the counts charging Occhipinti with embezzlement.

The evidence that was established during the trial, established that at almost every bodega, illegal lottery numbers were sold, as well as engagement in other illegal conduct. In addition to same, with regard to the defense's case, Occhipinti testified on his own behalf. He denied searching any of the premises he entered during Project Bodega, unless he obtained consent to execute the search. Furthermore, Occhipinti reinstated his firm belief that a Dominican Criminal Enterprise, namely The Federation of Dominican Businessmen, (hereinafter referred to as the "Federation") was the underlying entity responsible for the bodega witnesses to falsely testify that the consent to search forms were signed after the subject searches.

On October 18, 1991, Occhipinti was sentenced by Judge Motley to a 37 month term of imprisonment, followed by a five year period of probation. Moreover, a special assessment of $600.00 was also imposed by the Court. On January 15, 1993, Occhipinti's sentence was commuted to probation by President George Bush.

During Occhipinti's confinement, Staten Island Borough President, Guy Molinari, along with his staff and several other concerned citizens and media personnel, launched an independent investigation to prove Occhipinti's innocence and substantiate his allegations of Dominican conspiracy to prosecute him due to his interference with the criminal activities of the Dominican underworld. In fact, Molinari's efforts produced newly discovered evidence, which was not ascertainable at trial, that substantiated Occhipinti's allegations that bodega witnesses perjured themselves at trial, by testifying falsely as it relates to searches of their businesses. Moreover, this evidence further revealed that a Dominican enterprise was the underlying force which conspired to frame Occhipinti for criminal prosecution and subsequent conviction.

It is on the basis of this newly discovered evidence, which Occhipinti premises his motion for a new trial.

LEGAL ARGUMENT—NEWLY DISCOVERED EVIDENCE MANDATES THAT OCCHIPINTI BE GRANTED A NEW TRIAL

Federal case law and Rules of Procedure have acknowledged and upheld a defendant's right to a new trial. Specifically, Rule 33 of our Federal Rules of Procedure and Practice, prescribe a general standard governing same:

"The Court on motion of a defendant, may grant a new trial to that defendant, if required in *the interest of justice*. If trial was by the Court without a jury, the Court on motion of a defendant for a new trial, may vacate the judgment if entered, take additional testimony and direct the entry of a new judgment. *A motion for a new trial based on the grounds of newly discovered evidence, may be made* only before or within two years after final judgment, but if an appeal is pending, the Court may grant the motion only on remand of the case. A motion for a new trial based on any other grounds, shall be made within 7 days after verdict or finding of guilty or within such further time as the Court may fix during the 7 day period." (Emphasis added).

Accordingly in short, Rule 33 provides that a Court may order a new trial for a defendant on the basis of newly discovered evidence if the interests of justice require it. Nevertheless, a motion for a new trial is addressed to the sound discretion of the trial court, and a decision to deny a new trial motion will not be reversed absent an abuse of discretion. *United States v. Champion*, 813 F.2d 1154 (11th Cir. 1987).

Federal case law, in interpreting the foregoing rule, has established a four prong test for a District Court to invoke whenconfronted with a motion for a new trial. For instance, to obtain a new trial based on newly discovered evidence, the defendant must show (1) that the evidence is truly newly discovered, i.e., discovered after trial; (2) that it could not, with due diligence, have been discovered prior to or during trial; (3) that the evidence is material and not cumulative or impeaching; and (4) that the evidence would probably lead to acquittal. *United States v. Underwood*, 932 F.2d 1049, 1052 (2d. Cir.), cert denied, ——U.S. ——, 112 S.Ct. 382, 116 L.Ed.2d 333 (1991); *United States v. Diaz*, 922 F.2d 998, 1006–07 (2d. Cir. 1990). ("New" evidence must create "a reasonable doubt that did not otherwise exist"), cert. denied, —— U.S. ——, 111 S.Ct. 2035, 114 L.Ed. 2d 119 (1991); *United States v. Tutino*, 883 F.2d 1125, 1140 (2d. Cir. 1989), cert. denied, 493 U.S. 1081, 1082, 110 S.Ct. 1139, 107 L.Ed. 2d 1044 (1990); *United States v. DiPaolo*, 835 F.2d 46, 49 (2d. Cir. 1987); *United States v. Gilbert*, 668 F.2d 94, 96 (2d. Cir. 1981), cert. denied, 456 U.S. 946, 102 S.Ct. 2014, 72 L.Ed. 2d 469 (1982); *United States v. Alessi*, 638 F.2d 466, 479 (2d. Cir. 1980); *United States v. Castano*, 756 F. Supp. 820, 823 (S.D.N.Y. 1991). However, as a matter of law, the trial court cannot grant a motion for a new trial based on newly discovered evidence once it has determined that the movant has failed to satisfy any part of the test, See *United States v. Hall*, 854 F.2d 1269 (11th Cir. 1988).

In *United States v. Matos*, 781 F. Supp. 273 (S.D.N.Y. 1991), the United States District Court for the Southern District of New York, was confronted with a motion for a new trial premised upon newly discovered evidence. The Court, in applying the facts to each prong of the test, held that even though the newly discovered evidence was material and not cumulative or impeaching, the evidence failed to satisfy the remaining criteria of the test. For instance, the defendant's newly discovered evidence consisted of two purportedly exculpating affidavits of co-defendants. The Court ruled that said evidence was not newly discovered, due to the fact that the defendant chose not to call said "witnesses" at trial, because their post arrest statements led defendant to believe that these witnesses would "inculpate, albeit falsely, rather than exculpate Matos." *Id.* p. 280. Second, the Court ruled that the defendant failed to establish that he could not with due diligence have discovered that evidence prior to trial, since there was no attempt to subpoena either of the co-defendants prior to trial. Third, the Court further set forth that the

defendant failed to establish that the purportedly newly discovered evidence would probably lead to an acquittal, due to the suspect credibility of the co-defendants, both of whom were convicted and serving sentences arising from the same incident as defendant. Accordingly, in light of the foregoing, the Court held that it would not be in the interests of justice to grant the defendant a new trial.

In the matter at hand, Occhipinti respectfully submits newly discovered evidence to this Court, in support of his motion for a new trial. This evidence consists of numerous exculpating affidavits of individuals, working with Staten Island Borough President, Guy Molinari, and their consensually monitored conversations with individuals with personal knowledge and "bodega" witnesses whom testified at trial on behalf of the Government. As previously set forth, most of the Government's case-in-chief consisted of bodega witnesses, who testified that Occhipinti conducted searches at the subject bodegas without obtaining consent to search. However, the annexed affidavits contain various categories of newly discovered evidence, which detail improprieties, fraud, and perjury of these same Government bodega witnesses. Moreover, these affidavits further substantiate concerted efforts by a number of individuals, some of whom were Government witnesses, to frame Occhipinti for prosecution and conviction. The underlying reason for the conspiracy, as stipulated in the affidavits, was to terminate Occhipinti's investigation of the criminal conduct of the Federation, in which members of same, owned or operated bodegas.

Particularly, the affidavits describe, *inter alia*:

1. newly discovered evidence which confirms that certain members and associates of the Federation conspired and arranged to have Occhipinti framed and prosecuted by soliciting witnesses to assert false allegations to the authorities and then to testify falsely in the grand jury and trial;

2. newly discovered evidence which establishes that various substantive Government witnesses, whom testified against Occhipinti, lied under oath at the grand jury proceedings and at trial, consistent with the overall plan to frame Occhipinti; and

3. newly discovered evidence which supports Occhipinti's allegations at trial that a majority of the Government's bodega witnesses, used their "legitimate" businesses to commit and harbor illegal conduct and have continued to do same with the knowledge and tacit approval of the Government.

Before addressing the specifics of some of the affidavits, it should be noted that a number of the affiants have expressed fear for their safety and family members. Accordingly, most of the affiants will be identified herein as CI(1), CI(2), et seq. and generically as "he" to avoid identifying the sex of the affiant. Subject to this Court's approval and discretion, the original affidavits will be submitted, including the names and signatures of the affiants *under seal*. It should be noted that the identities of these confidential informants are within the possession of the Government. In fact, many of these informants were interviewed by FBI, Special Agent, Lionel Baron.

In addressing the newly discovered evidence, which is submitted by way of affidavits, specifically the affidavit of CI(1), which is annexed hereto as Exhibit A, it should be evident to this Court that Occhipinti should be granted a new trial. For instance, Exhibit A itemizes conversations of CI(1) with numerous individuals who testified on behalf of the Government, and/or were approached by the Federation to falsify allegations against Occhipinti, and/or have first hand knowledge of the framing of Occhipinti. Specifically, Martha Lozano, the owner of Commercial Travel Agency in Manhattan, admitted to CI(1) that she wasapproached by Mr. Simon Diaz of the Federation and asked to falsely testify that Occhipinti unlawfully searched her agency. Ms. Lozano refused to do same, even though she was previously Arrested by Occhipinti and convicted in Federal Court, because she set forth Occhipinti "performed his duties lawfully." Second, CI(1) met with Mr. Pedro Castillo-Reyes, the owner of Universal Travel Agency in Queens. Mr. Reyes admitted to CI(1) that Occhipinti was framed, but he refused to identify the conspirators. It should also be noted that Mr. Reyes was previously convicted in Federal Court for offering a bribe to Occhipinti. Third, Mr. Reymundo Tejeda also voluntarily conversed with CI(1). Mr. Tejeda testified at trial on behalf of the Government, that Occhipinti conducted an illegal search of his travel agency (Uptown Travel Agency). It should be noted, Mr. Tejeda admitted at trial to perjuring himself before the Grand Jury with relation to his criminal activities. However, in his conversations with CI(1), Mr. Tejeda admitted Occhipinti did not conduct an unlawful search, but he felt pressured to testify in the manner he did, by the United States Attorney's Office. Fourth, Thomas Galan, a college professor, who was present during the Tejeda search, stated to CI(1), in a consensually monitored taped conversation, that Occhipinti did not conduct an unlawful search. In fact, Mr. Galan asserted that he gave a statement to the U.S. Attorney's Office prior to trial stating same, but was not called as a Government witness. However, irrespective of same, the defense was not provided with Galan's name or statement. Accordingly, this newly discovered evidence not only reveals improprieties conducted by outside forces to frame Occhipinti, but also prosecutorial misconduct for failing to furnish exculpatory information to the defense. Fifth, Nurys Brito, the owner of Nurys' Travel Agency, was also a Government witness, who admitted to perjuring himself at trial to CI(1). At trial, Ms. Brito testified that Occhipinti conducted an unlawful search of her premises, but later admitted to CI(1) that Occhipinti conducted himself lawfully, but she felt pressured to testify in the manner she did.

Exhibit A, standing alone, raises serious concerns of prosecutorial misconduct, perjury and other improprieties, which were the catalyst to the framing, prosecution and conviction of Occhipinti. In support of same, the common thread that hauntingly appears in Exhibit A, is perjury committed by Government witnesses becasue they felt "pressured" to testify by the U.S. Attorney's Office and the Federation. Moreover, these Government bodega witnesses have no motive to presently change their testimony, especially since they are exposing themselves to perjury charges. Likewise, the bodega witnesses in the Affidavit, that did not testify at trial, also lack a motive to presently lie by setting forth that they were approached by the Federation to falsely testify, especially since they were previously arrested and convicted by Occhipinti's law enforcement efforts. However, the newly discovered evidence illustrated in Exhibit A, is only "the tip of the iceberg" of the "toto" of the newly discovered evidence submitted to this Court.

For example, in referring to the affidavit of CI(2), which is annexed hereto as Exhibit B, once again, two of the same Government bodega witnesses, namely Nurys Brito, and Reymundo Tejeda, reiterated their admission of perjury that was set forth to CI(1). For instance, Nurys Brito admitted to CI(2) in Exhibit B, that she gave Occhipinti permission to search her premises and she personally laid out files to facilitate the subject search. Moreover, Reymundo Tejeda admits to CI(2) that he lied to the Grand Jury because he consented to the search of his premises, prior to the execution of said search. Moreover, CI(2) elicits from Martha Lozano, the same individual who rendered statements to CI(1), a reiteration of the same statement. For instance, Ms. Lozano sets forth, once again, that she received a request to falsely testify against Occhipinti that he conducted an illegal search, but refused to do same. Thus Exhibit B is a crucial piece of newly discovered evidence, because it substantiates an indicia of credibility to itself and Exhibit A, that these individuals who rendered conversations to CI(1) and CI(2) are stating the truth, with no hidden motive.

Exhibit B is also very important to the pending Motion, due to the fact that it brings into the picture a new Government witness that admits to perjury. For instance, Mr. Jose Puello an executive board member in the Federation, reiterates, in a consensually monitored conversation to CI(2) that he had with a crucial Government witness, namely Jose Liberato who also is an executive board member in the Federation. The substance of this conversation was that Mr. Liberato informed Mr. Puello, that the allegations against Occhipinti were untrue and initiated by members of the Federation to prevent Occhipinti from interfering with the illegal activities of the Federation. In fact, Liberato admitted that he sought advice from his attorney who is named in Exhibit B, on how the Federation could stop Occhipinti's interference. Liberato was instructed by counsel various bodega merchants, that had a history with Occhipinti's law enforcement efforts, to falsely state that consent to search was never rendered and that monies were also stolen while the unlawful search was conducted. Accordingly, Exhibit B depicts to the Court a third Government witness, who also admits to perjury in addition to Ms. Brito and Mr. Tejeda, as well as admitting to initiating the conspiracy to frame Occhipinti as well as the underlying motive for same.

However, Jose Liberato's pride-filled bragging of his conspiring efforts did not stop with Jose Puello, and in turn CI(2). In fact, as evidenced by the affidavit of CI(3), which is annexed hereto as Exhibit C, Mr. Liberato bragged to CI(3) how he "F—— the Federales," by falsely testifying against Occhipinti for conducting unlawful searches and stealing monies. Furthermore, Liberato continued to brag of the Federation's efforts of organizing various bodega owners to falsely testify.

Moreover, the allegations encompassing the aforesaid conspiracy heighten with regard to the number of players involved. Specifically, referring to the affidavit of CI(4) annexed hereto as Exhibit D, it sets forth the conversation between said informant and the brother of Jose Elias Taveras, the latter who was also a Government witness at trial. This conversation details the admissions of Taveras' brother to the informant and others, which indicates that Jose Elias Taveras was instrumental in the framing and conviction of Occhipinti.

The contents of the affidavit of CI(4) is corroborated by the affidavit of CI(5), which is annexed hereto as Exhibit E. The affidavit of CI(5) details a conversation with the brother of Jose Elias Taveras, who refused to reveal his first name. Taveras' brother, once again, admits to a different informant that Jose Elias intentionally perjured himself against Occhipinti for the purposes of framing him.

In addition to the foregoing affidavits that have been submitted under seal, also attached are affidavits submitted by brave individuals, who have chosen to reveal their identities in the interest of justice. Exhibit F is the affidavit of Marino Reyes, the owner of Jose Grocery, New York, New York. Once again, this affidavit focuses upon the conversations of Jose Liberato in relation to the framing of Occhipinti. As illustrated by Exhibit F, in October of 1992, Mr. Reyes met with Liberato and was informed of the difficulty Liberato was confronted with in finding witnesses to falsely testify against Occhipinti. Moreover, Liberato reiterated to Reyes his motive for framing Occhipinti; his law enforcment efforts were interfering and damaging the Federation's illegal activities.

As depicted by Exhibit G. Victoria Lopez, a customer in Liberato's bodega in March of 1990, overheard his conversation with another individual, in which he set forth that he was attempting to locate individuals that would lie about their encounters with "the federal agent." In fact, as stated by Ms. Lopez, Liberato was emphatic that the "federal agent" would be placed in jail, for his interference, irrespective of the cost. In December of 1991, Ms. Lopez learned that Liberato asserted allegations against Occhipinti for Civil Rights violations, in which at that time she realized "the federal agent" referred to by Liberato in his previous statements, was in fact Occhipinti. Furthermore, referring to the Affidavit of William Franz, annexed hereto as Exhibit H, the contents of same sets forth portions of a audio taped conversation between a confidential informant and Raphame Liberato, who also was a Government witness, in which the latter bragged that himself and Jose Elias Taveras, had "taken care of" an agent. Thus, the foregoing affidavits that detail statements made by Jose Liberato and Jose Elias Taveras, evidences to this Court that they were key players in the framing of Occhipinti. For example, they not only admit their roles and the motives for same, but also the bragging to confidential informants and any individuals that were willing to listen to them, which clearly adds an indicia of credibility to their statements. After all, one must question their personal knowledge of the specifics of the aforesaid circumstances, if they were not being candid with their bragging.

Exhibit I is the affidavit of Manual DeDios the former editor of El Diario/La Riensa and Canbyo periodicals. During the courseof his investigatory work for his periodical, DeDios interviewed numerous individuals who were members of the Federation. Even though these individuals refused to permit DeDios to reveal their identities, due to concerns for their safety, they set forth that Occhipinti was framed by the Federation and the allegations against him were fabricated. Ironically, shortly after his willingness to submit his affidavit (Exhibit I), DeDios was tragically murdered in an execution-style shooting. Moreover, in a consensually-monitored conversation, DeDios confirmed Jose Liberato's involvement in the conspiracy to frame Occhipinti, as well as his involvement in ongoing alleged criminal activity.

Up to this point, the newly discovered evidence focused primarily upon the admission of perjury by key Government witnesses, at the hands of the Federation, in a conspiracy to frame Occhipinti, due to his interference with the drug cartel. However, the affidavit of Alma Camarena, the former legal assistant of a New York law firm and present informant, also presents new evidence regarding the outside players in this conspiracy. (See Exhibit J).

Ms. Camarena was employed by the same law firm from which Liberato sought legal advice for his problem named "Occhipinti" (See Exhibit B). In fact, this law firm was the target of Occhipinti's prior investigation, labeled "Project Esquire," that was assigned to Assistant U.S. Attorney Jeh Johnson, and subsequently failed to materialize. As evidenced by her affidavit, Ms. Camarena, in 1988, provided Occhipinti with information for his investigation into Officer Buczek's homicide, and the drug cartel, which was implicated in said homicide. Additionally, in 1989, she informed Occhipinti and others, that her employers were involved in "activities" other than legal assistance. Based upon same, Ms. Camarena had two meetings with Occhipinti, other law enforcement officers and Assistant U.S. Attorney Jeh Johnson, who "ironically" was the U.S. Attorney who prosecuted the case against Occhipinti. At those meetings, Ms. Camarena informed Mr. Johnson of the illegal activities of her employers and information of Freddie Then. However, no action was taken by the U.S. Attorney's office.

More importantly, in 1989, the affiant overheard a conversation at her employer's office, in which one partner complained to the other of the tremendous pressure Occhipinti was placing on the illegal activities of the firm's Dominican clients. The "elimination" of Occhipinti, was suggested. Instead, it was agreed that Occhipinti would be framed for prosecution for civil rights violations of Dominican bodega owners. In fact, the lawyer set forth that his "contacts" in the U.S. Attorney's office would aid him in the conspiracy. In August of 1989, Ms. Camarena reported this conversation to Assistant U.S. Attorney, Jeh Johnson. However, once again, no action was taken and this exculpatory information was not divulged to the defense. Unfortunately, shortly thereafter, the affiant was compelled to flee the state for her safety, once she learned that her employers were informed of her communication with the Government, by their contacts with the U.S. Attorney's Office.

The affidavit of Alma Camarena presents to this court serious questions of prosecutorial misconduct, improprieties in the U.S. Attorney's Office and illegal conduct of a New York law firm. Moreover, it also presents evidence which substantiates and correlates the contents of the other affidavits that Occhipinti was framed by the Federation, upon the advise of counsel, which nailed his prosecution and conviction based upon perjurious testimony. As previously stated, the common thread that flows from the contents of these affidavits is devastating due to the fact that they cannot be overlooked as mere coincidence. The fact of the matter remains, that a conspiracy was arranged by powerful Dominican drug lords, to frame an innocent man for his efforts in fulfilling his law enforcement duties to protect the public.

It should be noted that additional affiants and documents are annexed hereto in support of Occhipinti's motion for a new trial. Specifically, annexed hereto as Exhibit K is the affidavit of Raul Anglada, a New York City Detective, who accompanied Ms. Camarena to Jeh Johnson's office, when she reported the conspiracy to frame Occhipinti by her employers and their clients. Exhibit L is the affidavit of Tony Reyes, which details his personal knowledge of the conspiracy, as well as the law firm's involvement in same. Also, Exhibit M is the affidavit of Hilda Navarro, which introduces a new player in the conspiracy, namely Alfredo Placeras, an attorney with the Federation. This attorney admitted his involvement in the conspiracy and his efforts to "finish" Occhipinti.

Exhibit N is the affidavit of Angel Nunez, Esq., an attorney licensed to practice in the State of Pennsylvania. It should be noted that this affidavit contains information, a portion of which is not relevant to the present application. However, focusing on page eleven of said affidavit, Mr. Nunez refers to an individual identified as "Source A." "Source A," was a Dominican merchant, who defaulted on a loan to a Dominican loan shark. Source A's identity must remain confidential and his whereabouts not revealed, due to the fact that there exists a contract for assassination on his life. This source confirms that the conspiracy to frame Occhipinti was facilitated through fabricated civil rights violations and embezzlement allegations by Government witness, Jose Liberato. Mr. Nunez's affidavit also details the personal knowledge of other sources, which confirms the subject conspiracy and the players. This information was obtained from Source A post conviction.

Richard Callaghan, a retired Federal Agent and New York City Detective, affidavits are annexed hereto as Exhibit O. Mr. Callaghan executed two affidavits, memorializing the results of his investigation conducted on behalf of Staten Island Boro President, Guy Molinari. These affidavits detail newly discovered evidence, which could not have been ascertained prior to or during the trial, due to improprieties of the U.S. Attorney's Office. Specifically, the first affidavit details Occhipinti's search of Jaime Caba's bodega. Mr. Caba stated to Callaghan that he never made complaints against Occhipinti and that his civil rights were not violated, due to the fact that the agent was courteous and did not seize anymoney. Irrespective of same, Caba set forth that he was interviewed by investigators and a U.S. Attorney in which he told them that he refused to press charges or testify, due to Occhipinti's lawful conduct. This exculpatory witness was never revealed to the defense by the Government. In addressing Callaghan's second affidavit, Yehye Abuzaid, the owner of Uptown Deli and Grocery, this individual stated that he voluntarily signed the consent to search prior to Occhipinti conducting the search of his bodega. Abuzaid was contacted by the U.S. attorney's office with regard to same, but this information also was never disclosed to the defense. Thus, Occhipinti was confronted with two conspiracies, the conspiracy to frame him by the Federation and the conspiracy of convenient undisclosure of exculpatory evidence by the Government.

Exhibit P is the affidavit of Ray Hagemann, a Chief Investigator employed by Molinari. Hagemann's affidavit is critical to Occhipinti's pending application because it corroborates the contents of other affidavits detailed herein, specifically the affidavit of Alma Camerena. Moreover, Hagemann's affidavit details a taped conversation between a confidential informant and Jose Prado, a Government witness. During this taped conversation, Prado admitted that he received

from Jose Liberato the sum of $35,000.00 to falsely testify against Occhipinti. A transcript of this conversation is annexed to Hagemann's affidavit for this Court's review. Aside from taping a conversation with Prado, the same informant also taped a conversation he had with Jose Elias Taveras, which was proven to be authentic by an independent voice analysis expert. (See results annexed to Hagemann's affidavit.) This conversation specifies Taveras' admissions that he perjured himself in the Grand Jury and at the subject trial. Thus, Hagemann's affidavit brings to focus the underlying reason why numerous bodega owners were willing to commit perjury at the direction of Liberato and the Federation. The reason being is at least one witness, namely Jose Prado, was paid a substantial amount of money for a dastardly service. Accordingly, this newly discovered evidence presents a chilling question to this Court: the trier of fact, based upon perjured testimony, procured by bribes and other illicit means, taken together with the absence of exculpatory evidence due to prosecutorial misconduct, convicted an innocent man.

Moreover, Hagemann's affidavit also details his knowledge of a conversation with himself, Molinari and Lenny Lemer, a Detective Sergeant of the New York City Police Department, assigned to the DEA task force. Lemer voluntarily went to Molinari and Hagemann, with regard to the results of his investigation of Sea Crest Trading Co., which is associated with the Federation. Lemer set forth that during this investigation, he discovered evidence which would prove Occhipinti was framed. Thus, Lemer's statement is important due to the fact that it portrays the voluntariness of independent law enforcement personnel, approaching Molinari and Hagemann, with regard to evidence proving Occhipinti's innocence, which was derived from a separate investigation.

However, Lemer isn't the only independent law enforcement personality which has publicly stated Occhipinti is innocent. For instance, James Fox, the Assistant Director of the FBI, publicly proclaimed that an independent federal investigation uncovered newly discovered exculpatory evidence, that could prove Occhipinti's innocence. In fact, Mr. Fox also publicly proclaimed that in light of same, Occhipinti deserves a new trail. It should be noted that Occhipinti has previously requested the release of any and all reports generated by the FBI in this investigation, which to date, have not yet been released.

Moreover, the State of New Jersey, after examining various pieces of evidence relating to the framing of Occhipinti, unanimously approved assembly resolution 107. This resolution called for a special prosecutor and a Congressional investigation into the alleged drug cartel conspiracy and the Justice Department's cover up of Dominican organized crime and its handling of the Occhipinti prosecution. In fact, Occhipinti was previously debriefed by the New Jersey Senate and will be testifying before them.

In addition to the foregoing, the aforesaid New Jersey resolution, was introduced into the U.S. Congressional record on April 28, 1993, by U.S. Congressman Dick Zimmer, and placed under Order 93.

The White House has also responded to this resolution, and has referred this matter to the U.S. Office of Special Counsel under file number: MA-93-1357.

Accordingly, premised upon this newly discovered evidence, it is obvious that the credibility emanating from same, has warranted the public and legal support of many influential government agencies and individuals. Thus, the only issue that remains, is whether this evidence meets the legal plateau for an award of a new trail.

Application of the facts in the case at bar to the foregoing legal principles governing the award for a new trail, clearly evidence to this Court that Occhipinti should be awarded a new trail for the following reasons. First, there can be no dispute that the contents of the affidavits, and documentation submitted is material to the issues presented and for cumulative or impeaching. For instance, the "newly discovered evidence" brings to light, for the first time, the existence of a conspiracy to frame Occhipinti, the underlying motive for same, admissions of perjury by key Government witnesses, prosecutorial misconduct as well as improprieties committed by Government agencies and certain members of the legal profession. Thus, this evidence is material due to the fact that it is submitted and offered for reasons other than to impeach the credibility of Government witnesses who testified at trail. In fact, it emanates beyond the realm of being material due to its content and relevance to the issues presented to this Court.

Second, the evidence submitted is truly newly discovered and, in fact, could not have with due diligence, been discovered prior to or during the trail. After all, it is reasonable to conclude that the Government witnesses, who presently admitted to committing perjury, the motive for same or the underlying conspiracy, would not have revealed this information prior to or during the trial. After all, if this evidence could have been discovered prior to or during the course of the trial, there would not have been a trial in the first place, or the matter may have been dismissed. Moreover, referring to the affidavit of Victoria Lopez, annexed hereto as Exhibit G, her knowledge was impossible to discover prior to or during the trial, since she did not realize the identity of the "federal agent" Liberato was referring to until December of 1991, which was well after the trial and conviction of Occhipinti. Additionally, the affidavit of Alma Camarena, annexed hereto as Exhibit I, discloses that even though she had knowledge of the conspiracy and some of the players, this information was never disclosed to the Court or the defense by the U.S. Attorney's Office. To complicate matters further, Ms. Camerena was compelled to flee the state shortly after her meeting with the U.S. Attorney Jeh Johnson, due to threats and concern for her safety. Thus, Ms. Camarena was unavailable as a defense witness, even if her knowledge was presented to the defense, in accordance with legal procedure. The factors at play, specifically the efforts to frame Occhipinti by powerful conspirators, taken together with prosecutorial misconduct and other improprieties, clearly prevented Occhipinti from ascertaining this evidence prior to or during the trial.

Fourth, based upon the contents of the "newly discovered evidence," it is obvious that this evidence would probably lead to an acquittal of Occhipinti, if he was awarded a new trial. For instance, for the first time, the trier of fact would have access to the contents of the evidence relating to a conspiracy to frame Occhipinti for his interference with the illegal activities of the Federation. This, of course, can be substantiated by Ms. Camerena and Raul Anglada, who was present with her, when she met with U.S. Attorney Jeh Johnson. (See affidavit annexed hereto as Exhibit J). Moreover, the conspiracy can also be established by Martha Lozano, (referred to in Exhibit A and B), Pedro Castillo-Reyes (Exhibit A), Thomas Galan (Exhibit A), Jose Puello (Exhibit B), Marino Reyes (Exhibit F), Victoria Lopez (Exhibit G), Hilda Navarro (Exhibit M), Tony Reyes (Exhibit L), as well as the confidential informants and the host of other persons named and/or disclosed in the "newly discovered evidence." Moreover, the Government would not have the availability of their key witnesses, namely Jose Liberato, Jose Elias Taveras, Reymundo Tejeda, Nurys Brito and others, unless these individuals were willing to openly admit to perjury in Court. Thus, the causal effect this bears on the Government's case-in-chief at a new trial, would be devastating for the following reasons. On the firsthand, the Government's witness list would be severely hampered, due to the elimination of perjured testimony previously submitted to and evaluated by the trier of fact in reaching a verdict. Second, the Government would have substantially less bodega witnesses to testify that Occhipinti conducted an unlawful search and a stole monies, which bears directly upon the counts of the Indictment, which previously led to aconviction. Furthermore, without the existence of prosecutorial misconduct and the other improprieties which plagued the defense in the first trial, it is apparent that the submission of this new evidence would create "a reasonable doubt that did not otherwise exist." (See previous citation).

Accordingly, the foregoing application has established that Occhipinti has satisfied every prong of the test governing an award for a new trial. The overwhelming evidence submitted warrants an award for a new trial, because it pursues the interest of justice, which is the ideal our legal system was founded upon. After all, Occhipinti was stripped of his fundamental right to be presumed innocent, until proven guilty, due to the underlying forces conspiring against him. Therefore, the time has come for this Court to remedy the injustice that was befallen on an innocent man, by aiding him in his struggle to eliminate his conviction and the stigma of guilt that surrounds him by proving his innocence by way of an award for a new trial.

CONCLUSION

Based upon the foregoing, it is respectfully requested that defendant, Joseph Occhipinti, be granted a new trial.

Respectfully yours,

Pope and Bergrin, P.A., Attorneys for defendant Joseph Occhipinti.

By: ANTHONY J. POPE.

FEDERAL SUPPORT FOR THE ARTS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. MAZZOLI. Mr. Speaker, last month, the House passed H.R. 2351, a bill to reauthorize the National Endowment for the Arts [NEA], the National Endowment for the Humanities [NEH], and the Institute for Museum Services [IMS] through 1995.

I supported this reauthorization, as I have steadily over the years, because these organizations, despite the legitimate criticisms leveled against them, have done much to promote the arts and the humanities in Kentucky and across this Nation.

Because of the concerns—which again I would characterize as well founded and legitimate—expressed by our constituents about the questionable activities mostly funded by the NEA, significant limitations and guidelines were imposed by Congress on the grant-making authority of the NEA and its allied agencies in 1990.

Congress stated that: "obscenity is without artistic merit, is not protected speech, and shall not be funded." The same 1990 act established criteria for judging NEA applications, and stated: "artistic excellence and merit are the criteria by which applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public."

Mr. Speaker, I am hopeful that these changes in the law governing taxpayer support of the arts and the recent confirmation of the new director of the NEA, the eminent actress, Jane Alexander, will create a new and most promising climate for Federal funding for the arts, humanities, and museums.

Mr. Speaker, I am particularly proud of the lively state of the arts and humanities in my State and district. Louisville and Jefferson County can properly boast of many organizations which exhibit, promote and teach art, drama, music, opera and dance to the residents of the Louisville and Jefferson County area.

Many of them, such as the Actors Theatre of Louisville, the Louisville Orchestra, and the J.B. Speed Art Museum are recent grantees of the NEA. Many others such as Theatre One, the Kentucky Opera, the Louisville Ballet, the Kentucky Shakespeare Festival, Artswatch, Inc., Stage One: the Louisville Children's Theatre, Kentucky Center for the Arts, and the Theater Workshop of Louisville are all assisted in their important missions by grants from Federal, State, and local government.

Mr. Speaker, as we know full well, the arts and the humanities enrich our world and ennoble humankind. They inspire, console, and direct us. They relax, refresh, and renew us. Federal support of the legitimate arts and humanities is critical, fitting, proper, and appropriate.

GOVERNMENT REGULATION GONE AWRY; TWO STAPLES OR ONE?

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. PORTER. Mr. Speaker, I have introduced legislation today which would require the Postal Service to make a minor clarification in one of its regulations.

The regulation at issue is a good one—it prevents commercial mailers from stuffing their magazines full of inserts without paying additional postage. However, the regulation accidently includes within its reach newspapers that appear in a bound format—newspapers with two staple bindings.

These are bona fide second-class weekly newspapers which occasionally contain loose supplements—usually advertising mailers for local, small businessmen who would otherwise be unable to afford the cost of advertising. These newspapers simply do not follow what we have come to know as the conventional format.

There are only a handful of these newspapers in the country and one of the publishers is in my district.

My legislation simply requests the Postal Service to clarify this regulation to eliminate its unintended effect on a handful of second-class newspapers.

TESTIMONY OF BETH B. BUEHLMANN ON HEALTH CARE REFORM

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. GOODLING. Mr. Speaker, I wanted to share with Members the following testimony of Beth B. Buehlmann before the Labor Management Subcommittee of the House Education and Labor Committee. I believe her experiences and real life story exemplifies the need to reform our Nation's health care system.

TESTIMONY SUBMITTED BY BETH B. BUEHLMANN

Mr. Chairman, I welcome the opportunity to appear before you and other Members of the Committee today to tell my story, really my son Eric's story, because it is one that raises a number of issues that I believe have to be considered in any health care reform package. Fortunately for me, this story has a "happy" ending.

Let me start by asking each of you what you were doing on January 20 of this year? In case the date doesn't ring a bell, it was inauguration day. For myself, I was looking forward to a quiet day away from the office with no outside distractions. Instead, I was at Georgetown University Hospital, praying that my 24 year old, otherwise healthy son, would survive a massive brain hemorrhage that one doctor described in the following way: it's as though his head hit a brick wall going 60 miles per hour without the protection of a helmet, yet with no outside visible signs of damage. By noon, he had made it through the emergency craniotomy, but the prognosis was dismal. His bleeding could not be stopped, and his left side was paralyzed. No assessment was made as to the damage his brain had sustained, but because the bleeding had been deep, little optimism was evident.

Less than a week before, Eric had been diagnosed with ITP (thrombocytopenic purpura), and idiopathic disease which causes the body to destroy its own platelets (the element of your blood which aids coagulation). He underwent therapy for the ITP, but was told that he was not responding well to the steroids. A different, more invasive therapy would have to be started that Thursday, January 21. It was at this point that the doctor learned a disturbing fact—Eric did not have health insurance.

Although Eric was in his last semester of law school, because of a hold on his registration, he was not officially enrolled. As some of you may know, health care coverage for many students is enrollment driven. To add insult toinjury, because Eric had technically been carrying less than a full-time course load in the fall semester, he had not been covered then either. (This fact became important in determining whether he was covered by COBRA—obviously not.) Quite frankly, even if Eric had been covered by the student health insurance policy, maximum coverage was only $25,000. If he had done everything right, it still wouldn't have mattered because his initial hospital bills alone were close to $200,000. In order for him to have had greater coverage, he would have had to affirmatively request that coverage and pay an additional fee (most students, as I found out later, were unaware of this option). For any of you familiar with the life of a graduate student, you recognize that even the smallest cost would have been difficult to scrape together when you live on loans and other borrowed money, along with possible earnings from a part-time job. Besides, why would a healthy, young adult need more, catastrophic coverage?

In the two days after his initial surgery, Eric required an emergency splenectomy and an angioplasty. Removing his spleen was the last resort the doctors had in trying to stabilize his platelet count (when Eric was admitted, his platelet count was 4,000; the average person's count is 300,000 to 400,000.) If his platelet count could not be raised, it was likely that he would have a second, probably fatal, head bleed. Each of these procedures was life threatening, but in the balance, necessary.

Throughout this period of stress and emotional upheaval, the question remained, how would all of this be paid? Medicaid? Declaring bankruptcy? (ruining his credit record for years to come) Hospital charity programs? Assumption of my house, even though Eric did not live with me, and had not been claimed as a dependent for years? After consulting a few lawyers, two things remained unclear because Eric had lived in my house until the previous August, at which time he moved into the District of Columbia. The first was, if he qualified for Medicaid, in which jurisdiction would he be covered? The second was whether my assets would be counted against Eric in determining his eligibility, and whether they would be considered as a possible source of payment for his hospital costs? I do not want to minimize this point. It is very difficult to write or speak about the genuine fear I experienced over the possibility of losing everything—including my son.

None of the lawyers was willing to assure me of the answer to either question, but I was told emphatically to sign no papers which had any possibility of creating a fiscal liability for me.

Medicaid only considers assets, not liabilities in determining eligibility. Therefore his student loan debt had no bearing on his situation. DC said that Eric only lived in the district because he was a student. Therefore he would not be considered eligible in DC and needed to apply for Virginia Medicaid. Because Eric no longer lived with me, Virginia Medicaid said he was not their responsibility either. My decision finally was made on the basis of the Medicaid that was more universally accepted at the hospital, and on the basis of where he was living—DC.

It was more than three weeks after his brain hemorrhage before Eric qualified for DC Medicaid. Only then was I somewhat assured that I would not be held liable for my son's medical bills. However, I want to make one thing clear. Regardless of the cost, I would have risked my financial future, if that is what it took, to make sure that Eric received the medical and rehabilitative care

that he needed and continues to receive. I would also like to add that even if I had divested myself of everything, I would not have paid for Eric's hospital bills—25 days at Georgetown, 10 weeks at NRH, and continued outpatient therapy to the present.

Based on my experience, I would like to make the following points:

College students are extremely vulnerable when it comes to health care coverage, which in turn places their families at risk as well;

The level and availability of health care coverage a person receives should not be decided on the basis of residence;

Family members should not have to worry about the fiscal liability they may face, when the focus of their efforts should be in support of the ill person;

Once a child is independent, parents' assets should not be placed at risk either by their proximity or involvement at the time of the crisis; and,

Artificial barriers to service should not exist because of arcane bureaucratic rules, regulations and insatiable documentation requirements.

It is now nine months after Eric's experience. He has overcome extraordinary odds and has made almost a complete recovery. Given the severity of the initial effects of the hemorrhage, and the original prognosis, his only remaining residual effect is a significant eyesight deficit. He is clearly the beneficiary of outstanding medical treatment and rehabilitative services. Without the efforts of the doctors, nurses and the therapists at Georgetown University Hospital and the National Rehabilitation Hospital who have worked with him, he could not have made it this far. In fact, his therapy is now focused on getting Eric back to law school part-time in January, just one year after all this happened.

As I stated in the beginning, this is a story with a "happy" ending. However, it could just as easily have been otherwise. Eric will however, live with ITP the rest of his life—a pre-existing condition, which under the current system of health care coverage could either prevent him from getting coverage, or at best, require that he pay a much higher price for basic health insurance. We need to assure a means of funding catastrophic illnesses, without bankrupting the individual, the family, the nation, and the system. I hope that with health care reform, this goal can be achieved.

GENERAL AL HAIG'S POSITION ON HUMAN RIGHTS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. GILMAN. Mr. Speaker, I was disturbed to learn that Gen. Alexander M. Haig, Jr., who I have long admired and who was once our Secretary of State, NATO Commander, and White House chief of staff believes that the United States should not criticize China for its human rights violations. Both the executive and legislative branches of the U.S. Government are long on record for speaking out against human rights violations wherever they occur. The State Department's "Country Report on Human Rights Practices" has for years pointed out the terrible problems in Syria, Iran, and other places. Likewise, so has the Congressional Human Rights Caucus.

Last Friday, A.M. Rosenthal, in his "On My Mind" column for the New York Times, pointed out his puzzlement at General Haig's position. For my colleagues' review, I request that this column be printed in full in the RECORD at this point:

[From the New York Times, Oct. 29, 1993]

HOW DARE WE?

(By A.M. Rosenthal)

How dare the United States do this thing?

Alexander M. Haig Jr. wants to know. How dare the U.S. "go around telling the rest of the world" that it must live up to American human rights standards? He has China in mind.

"I think the time has come to take a different tack here," he said in Beijing. "And Tiananmen is a long way behind us."

Mr. Haig has a distinguished record—Secretary of State, NATO commander, White House chief of staff. He was in Beijing to introduce the new president of United Technologies Corporation to Chinese Communist leaders. United Technologies is in the defense business.

Mr. Haig is a take-charge kind of guy. Right after President Reagan was shot in 1981, Mr. Haig, then Secretary of State, told the country that he himself was "in control" at the White House; Vice President Bush was in a plane flying to Washington.

The Haig decision did not sit well, probably because neither Mr. Reagan, Mr. Bush nor Congress had also so decided.

Anyway, you can see Mr. Haig deserves an answer and Washington better give him one in a hurry. Until then, I will do my best.

Mr. Haig, it really is a matter of taste and, if you forgive the expression, the moral responsibility of American business.

The taste of Congress, the incumbent President and most Americans kind of runs against governments that use forced labor in and out of prison as an official part of the economy, and torture as an inducement to both labor and political obedience.

In China, the Government uses the economic advantages of that labor, and of trade with the capitalist nations, to build the world's largest army—and to sell missiles, nuclear material and weapon technology, mostly to nations hostile to America.

Mr. Haig, those Americans not well disposed to gulag government do not want to bomb China or isolate it. All they say is that it is hypocrisy and destructive of liberty to say we disapprove of Communist Chinese techniques of government and yet refuse to do what we can to pressure the gulag wardens into at least lowering the torture quotient of political life, in China proper and imprisoned Tibet.

Congress taste, and expressed will, is to put a deal to your Beijing hosts: Loosen the handcuffs or we will lift the trade privileges that have made possible the $20 billion trade advantage China enjoys over the U.S.

Business is no more holy than diplomacy or journalism. Either can help build freedom or help maintain despotism.

Certainly it is obscene that profits made through the capitalist free-enterprise system be used to strengthen a Communist society that refuses to give its citizens and Tibetans the freedoms of choice that should be the very essence of capitalism.

I know of two U.S. companies that have adopted a human rights policy that does honor to them, their country, free enterprise and their customers. They have withdrawn their plants in China or are preparing to do so rather than contribute to the daily violations of decency that exist all around those factories.

So I am writing this dressed in a long-wearing, stylist pair of Timberland boots and long-wearing, stylish Levi Strauss shirt and pants.

Beijing may not tremble before Levi Strauss and Timberland. Neither did Pretoria tremble when some American company was the first to say: "No longer."

Mr. Haig says we should help China to offset Japan. Then we can balance the two superpowers of Asia against each other, instead of having to deal alone with Japan. Neat? Presumably Japanese and Chinese cannot figure that out and one day get together to give us a two-superpower squeeze.

Patrick E. Tyler, the New York Times bureau chief in China, who interviewed Mr. Haig earlier this month, writes that he was seething at U.S. policy toward China.

Mr. Haig is an excellent seether. I always liked him for that. We two may have faults but concealment is not one of them.

A press colleague told me Mr. Haig had said he would dearly love to punch me in the mouth for asking him a political question he thought impertinent in substance and manner. It was. Mike Wallace egged me on.

But since Mr. Haig never did punch me in the mouth I took the threat as mere wishfulness. If not, I hope he gets tired of waiting in line.

INTRODUCTION OF THE ECONOMIC AND EMPLOYMENT IMPACT ACT

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. DELAY. Mr. Speaker, I have often come to the floor of this House outraged about the burden this Government places on the taxpayer through its myriad of laws and regulations. Unfortunately, instead of this trend decreasing, it has only increased, and I believe drastic measures are necessary to fight it.

Today I am introducing a bill which will force Congress and the executive branch to fully consider the costs of laws and regulations on the economy and on individuals by requiring that all legislation considered by Congress, as well as all final and proposed regulations promulgated by executive branch agencies be accompanied by an economic and employment impact statement.

Modeled after the Economic and Employment Impact Act introduced by Senator NICKLES—and which failed to pass in the Senate by a mere two votes—this bill will require that these statements contain both the positive and the negative effects of any piece of legislation or any Federal regulation on employment, the gross domestic product, and the ability of U.S. industries to compete internationally, as well as the cost to consumers, to business, and to State and local governments.

Under current law, businesses and Government agencies are required to file environmental impact statements to demonstrate any harm which may result from construction or other activities. In light of the fact that we may soon be considering a bill to elevate the Environmental Protection Agency to Cabinet level, as well as comprehensive health care reform which is guaranteed to throw a whole host of new regulations on the system, I believe it is appropriate at this time to ask that the Federal

Government live by the same rules and keep in mind the interests of those on whom it is imposing its will—the American taxpayer.

Requiring that an economic impact statement accompany legislation and Federal regulations will do just that.

Regulations—which in fact are hidden taxes—are wreaking havoc on the competitiveness of this country and the standard of living of American families. Over the last 4 years the regulatory burden has grown tremendously and as a result the private sector has lost nearly 2 million jobs since early 1990. A conservative estimate of the cost of regulation to the average American family is a staggering $8,000 to $17,000 per year.

Despite all of the hoopla surrounding Vice President AL GORE'S plan to reinvent government and simplify the layers of regulation, the Center for the Study of American Business in St. Louis found in its latest analysis that regulatory staffing shows a slight increase in the President's budget for this coming year. In all, 128,615 positions in the U.S. Government are assigned to watching over hard working Americans and making sure that they comply with every minuscule rule that might be thought up by some bureaucrat in a Washington office.

My Economic and Employment Impact Act is a commonsense step to ensure meaningful evaluation of the potential costs and benefits of regulations before they are implemented, and I urge my colleagues to sign on as cosponsors.

NAFTA

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. PACKARD. Mr. Speaker, NAFTA will launch San Diego into the international trade spotlight. More than any other area of the country, San Diego stands to gain the most from the free-trade pact. We already sell more than $1.3 billion in goods and services to Mexico every year—that's 10 percent of San Diego's gross regional product. Free trade will boost that figure by $200 to $300 million per year. That translates into 20,000 new, high-paying jobs for San Diego.

Exports to Mexico in high-technology products and services are on the rise. The Mexican market demand is especially growing in San Diego's most competitive industries. But further market penetration has been hampered by Mexico's current trade barriers. For instance, computer software coming from the United States faces a 20-percent tariff in Mexico. That's an incredible hurdle to overcome in such a price-sensitive market. But NAFTA will pave new inroads for the computer industry. Under NAFTA, tariffs will be immediately eliminated on U.S. exports up to $200 million. Eventually, tariffs on all computer exports will be eliminated. We're going from a 20-percent tariff to zero. San Diego's computer industry will be given a competitive edge in a market that is growing every year.

Many other San Diego industry strongholds will also benefit under NAFTA, including electronics and medical equipment. Not only will the 20-percent tariff be eliminated on these products, but for the first time United States manufacturers will be allowed to compete in Mexico's valuable public-sector market. Up till now, Mexico's nationalist, protectionist policies have stopped us from participating in most of Mexico's industrial sectors.

San Diego companies are also going to benefit as NAFTA removes Mexico's bureaucratic hurdles and strips away the redtape. Licensing requirements are streamlined. Quotas are reduced or completely eliminated. And intellectual property rights are strengthened.

As the largest metropolitan area on the Mexican border, San Diego will be a magnet to attract United States companies and even Mexican subsidiaries. Our proximity to the border makes us an ideal jumping off point into either the Mexican or United States market. Coupled with our highly skilled and highly educated populace, that makes us a trading powerhouse.

San Diego consumers will also appreciate NAFTA as they get more bang for their buck at the cash register. Lower tariffs mean lower retail prices.

NAFTA will bring increased trade, increased commerce, new high-paying jobs, and lower retail prices. In short, NAFTA is a good deal for San Diego.

NATIONAL CHEMISTRY WEEK

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. CALLAHAN. Mr. Speaker, I would like to take this opportunity to rise and recognize the celebration of National Chemistry Week, sponsored by the American Chemical Society and scheduled to be held November 7–13, 1993.

The American Chemical Society is a nonprofit scientific and educational organization of professional chemists and chemical engineers. Its membership of over 144,000 makes it the largest scientific society in the world. The Mobile, AL, section of the American Chemical Society currently has 203 highly educated and motivated members.

The National Chemistry Week program was first developed in 1986 to impress on the public the importance of chemistry in everyday life. Its mission is to reach the public with positive messages about chemistry and make a positive change in the public's impression of chemistry.

I congratulate the members of the Mobile, AL, section of the American Chemical Society on their hard work and dedication to the field of science, and I wish them well in their celebration of National Chemistry Week.

CHIEF AL STEVENS: A TRUE PROFESSIONAL POLICE OFFICIAL

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. BARCIA of Michigan. Mr. Speaker, I rise today in appreciation of the exceptional dedication to our community exhibited by George "Al" Stevens during his 32 years of public service. One of the truly exceptional men in law enforcement, Chief Stevens has developed an admirable reputation as someone committed to his family, his neighbors, and his profession. This unusual dedication is celebrated today among his many friends and family as we remember his 18½ years as the Richfield Township chief of police.

Working for the Genesee County Sheriff's Department until 1966, and the Davison Township Sheriff's Department until 1975, Al served as Richfield Township's first full-time police chief from 1975 to 1993.

A consummate professional, Al has handled the awesome responsibility of police chief with prudence, equity, and compassion. Moreover, his tireless commitment to my neighbors in the Fifth District is further evidenced by his 58 years in the Davison area, and 24-hour-a-day commitment to Richfield law enforcement.

A member of the Michigan Association of Chiefs of Police, Al's focus and devotion was serving Richfield Township, often sacrificing his personal agenda for that of the community. In Richfield, it has become almost routine to expect excellence from Chief Stevens, a civic leader in the truest sense of the word. I know I speak for my friends in Richfield Township when I thank Chief Stevens for his tireless efforts to ensure our safety and protection. I urge all my colleagues to wish him, his lovely wife Deanna, and all his children and grandchildren our very best.

HAPPY BIRTHDAY, CHINA LAKE

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. THOMAS of California. Mr. Speaker, fellow Members of Congress, this weekend the Naval Air Warfare Center Weapons Division, or China Lake, in Ridgecrest, CA, is celebrating its 50th anniversary. By all standards, a 50th anniversary is a major achievement. However, in the case of China Lake, its 50th anniversary goes beyond the usual accolades.

Since 1943 when the Navy first came to Ridgecrest and it was known as the Naval Ordnance Test Station, through 1967 when the name was changed to the Naval Weapons Center, to this current designation, the facility at China Lake has met the test of time all the while representing the finest in cutting edge military technology and quality. The partial list of China Lake's accomplishments are legendary: Developed the first and still most successful air-to-air missile—the Sidewinder; developed the first antiradiation missiles—Shrike and HARM—and optically guided weapons such as Walleye; and more recent redesigns and product improvements for Sparrow, Harpoon, SLAM, RAM, and the Tomahawk cruise missile.

But its true test came during Desert Storm. Under the twin pressures of time and need, the engineers and technicians at China Lake performed near miracles. These miracles included reprogramming the HARM missile system to recognize the Iraqi radar installations;

creating a more efficient communications system between the Navy and its support facilities in the United States; rushing through a new fleet software system to meet some unique delivery conditions which arose in Iraq; making old bomb fuses serviceable; rushing through production of the GATOR weapon system, an air delivered landmine system used by the Marines; and, reviving the fuel air explosive program, which was used for clearing land mines and bunkers.

But as impressive as these accomplishments are, because I know this community, I expect China Lake will produce no less in the next 50 years.

As this country approaches the 21st century, the Nation can feel secure in the knowledge that a new era at China Lake, built upon both the glorious past and the present, is about to begin. I say this because in 1993 the Base Realignment and Closure Commission ranked China Lake the top defense laboratory in the country. Not only is this assessment well-deserved, it is one that I believe the Center will fight to hold with all its might and with continued cooperation from the people in the city of Ridgecrest and surrounding communities.

So as the relationship between the Naval Air Warfare Center Weapons Division and eastern Kern County moves into the next half century, it is my hope that the same community toughness, confidence, and spirit of achievement that so successfully worked for the past 50 continues for the next 50.

TRIBUTE TO STOP OREGON LITTER AND VANDALISM

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. KOPETSKI. Mr. Speaker, I would like to call to the attention of my colleagues the efforts of Stop Oregon Litter and Vandalism, also known as SOLV. SOLV, located in Portland, works throughout the Fifth Congressional District as well as the entire State of Oregon.

Each year, common items such as six-pack yokes, fishing line, netting and strapping bands entangle and kill seabirds, fish, and mammals. Discarded plastic products also can be mistaken for food by sea and shore birds and marine mammals. Especially vulnerable are all four species of sea turtles found off the Oregon coast.

Discarded plastic products remain in the environment indefinitely. Litter is a recreational hazard; fouling boat propellers, clogging boat engines and contributing to the degradation of Oregon's beaches and waterways.

On Saturday, October 9, Oregonians of all ages gathered to continue the tradition of ridding Oregon's beaches of litter. From the Columbia River to the California border, volunteers braved the elements in search of garbage others left behind.

1993 is a special year for SOLV and the Great Beach Cleanup. It is the tenth anniversary of the Great Beach Cleanup, the first annual beach clean up established in the world. Since the first Great Beach Cleanup, this idea has spread to 32 other States and 33 foreign countries. Over the past 10 years, more than 25,000 volunteers have picked up 386,600 pounds of beach and ocean trash off the beautiful coast of Oregon.

SOLV deserves recognition for it's efforts to maintain the beauty of Oregon's pristine coast. I salute SOLV's fine work and particularly, the Great Beach Cleanup, a shining example of Oregonians blazing a trail the rest of the world is now following.

ST. XAVIER AND ASSUMPTION HONORED AS BLUE RIBBON SCHOOLS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. MAZZOLI. Mr. Speaker, I would like to pay tribute to two schools located in my congressional district of Louisville and Jefferson County, KY, which were honored recently by the U.S. Department of Education as Blue Ribbon Schools: St. Xavier High School and Assumption High School.

The U.S. Department of Education honors various schools across the Nation as Blue Ribbon Schools based on detailed applications and visits to the schools. In 1993, 260 schools are being recognized for their high-quality teaching, up-to-date curricula, and strong parental involvement required to be Blue Ribbon Schools.

I am proud to say that St. Xavier High School, my own alma mater, is designated a Blue Ribbon School this year. St. Xavier is a three-time recipient—one of only two schools in the Nation to hold this honor. Assumption High School, the other Blue Ribbon designee from the third district, has won this award once earlier. To receive the Blue Ribbon once is remarkable. To win it more than once speaks volumes about these schools, their administrations, faculties, students, and parents.

This year's honorees were announced last spring, and the ceremonies at which the awards were made took place in October here in Washington, DC. On hand to receive the award on behalf of St. Xavier High School were its principal, Perry Sangalli, and Mr. John Hoeck, a member of the school's board of directors. Accepting the award for Assumption High School were Ms. Karen Russ, principal, Ms. Beverly McAuliffe, assistant principal, and Ms. Mary Lee McCoy, chair of the English department.

They and their counterparts from the other Blue Ribbon Schools attended a meeting at the White House and were addressed by President Clinton.

I am extremely proud of St. Xavier High School and Assumption High School for their academic achievements, and I join my community in offering both schools congratulations and best wishes for many more years of success.

Mr. Speaker, I ask that various news reports concerning awards to St. Xavier High School and Assumption High School be placed in the CONGRESSIONAL RECORD at this point:

[From the Louisville (KY) Courier-Journal, Oct. 22, 1993]

2 CATHOLIC SCHOOLS WIN BLUE RIBBONS

WASHINGTON.—Two Louisville Catholic high schools, Assumption and St. Xavier, are among six Kentucky high schools being honored by the U.S. Department of Education this week as the nation's "Blue Ribbon" schools.

A total of 260 schools in the nation won Blue Ribbons for best meeting needs and boasting high-quality teaching, up-to-date curricula and parental involvement.

The schools are chosen based on a detailed application and on-site observations by outside educators.

Representatives of the schools were to be honored at a White House ceremony and a congressional reception. An awards luncheon is scheduled today in Washington.

The other schools in Kentucky are Belfry High School in Pike County, Williamsburg High School in Whitley County, Elizabethtown High School and Fort Campbell High School.

[From the Louisville (KY) Record, Oct. 21, 1993]

ASSUMPTION, ST. X GIVEN AWARDS FOR EXCELLENCE

Representatives of Assumption and St. Xavier high schools will be in Washington this week to receive their national "Blue Ribbon School" awards for excellence in education.

The two Louisville Catholic schools are among 260 secondary schools across the country to receive the awards from the U.S. Department of Education. Award recipients were announced last spring.

For both Assumption, a girls' school at 2171 Tyler Lane, and St. Xavier, a boys' school at 1609 Poplar Level Road, the 1993 blue-ribbon recognition will be repeat performances. Assumption is receiving the award for the second time, St. X for the third time.

The principals of both schools, who will be in Washington for ceremonies today and tomorrow, Oct. 21 and 22, said receiving the award once does not automatically ensure being selected again.

"You still have to prove yourself" and "make the educational program even better," said Assumption principal Karen Russ.

For example, she noted that in the four years since Assumption received the previous award in 1989, the education department was looking at "what have you done to improve" in meeting the needs of students and "for verification that we had reached out to the community," by presenting workshops, seminars and inviting people from the community to observe the school.

A school may apply for the award only every four years.

St. X principal Perry Sangalli said the award still means a great deal, even though St. X also received it in 1984 and 1989.

"It reinforces what we are doing, that we are on the right track in terms of what Catholic education and national high school education is supposed to be about," said Sangalli. Also, he added, it "challenges us to try to maintain the level of quality and develop further the programs that we offer."

Sangalli said St. X is one of two schools this year receiving the award for the third time.

The blue-ribbon awards (which include a flag and a plaque) are scheduled to be presented at a luncheon tomorrow. Other events include a meeting at the White House today for school representatives.

Representing Assumption in Washington will be Ms. Russ, Beverly McAuliffe, assistant principal, and Mary Lee McCoy, chairperson of the English department. St. X will be represented by Sangalli and Mr. and Mrs. John Hoeck. Hoeck is a member of the school's board of directors.

Both Ms. Russ and Sangalli said nomination for a Blue Ribbon School is an extensive process that involves the school's completing a lengthy and detailed application, followed by an onsite visit by education department representatives.

"It is a very thorough study of your school, looking at how well you meet the needs of students," academically as well as through personal growth and extracurricular activities, Ms. Russ said. The on-site visit is to verify what a school states in its application, she added.

She said the on-site visit includes meetings with groups of teachers, students and parents.

Both principals said the award is one of the highest a school can receive.

Ms. Russ said the award is important because it is based on a school's entire program and takes into account meeting the needs of students of "all levels of ability."

Sangalli said the award is noteworthy with the emphasis now on educational reform. "It is validation of some quality programs that are in place, that are already cutting-edge type programs," he said.

ANCHOR SPEAKS THE TRUTH ABOUT DECLINING JOURNALISM STANDARDS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. PORTER. Mr. Speaker, CBS News anchor Dan Rather made some rather startling remarks recently before his radio and television colleagues—he told them they were putting ratings ahead of responsible journalism. When a leading figure in television news speaks out in this way, you know there's a problem.

He criticized the tendency of news programs to compete not with other news shows, but with entertainment programs, by emphasizing—in his words—"dead bodies, mayhem, and lurid tales."

Sadly, he's right. News judgment isn't driving news content, Mr. Speaker—marketing departments are. They have found that horror, conflict, and exploitation sells, and they're selling it to the American people.

This profit-centered philosophy generates especially misleading and irresponsible reporting on Congress and government, emphasizing combat politics and ignoring the difficult issues of process and content. The result is growing cynicism and the steady erosion of faith in our governmental institutions.

Mr. Speaker, Unfortunately—sadly—Dan Rather, was right on target. He has sent a needed wake-up call to his network colleagues. I hope they're listening.

TRIBUTE TO SPERRY'S DEPARTMENT STORE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. BONIOR. Mr. Speaker, I rise today, with pride, to announce the centennial celebration of Sperry's Department Store in Port Huron, MI. For those of you who have not yet had the good fortune to visit the wonderful city of Port Huron, you should know that it is an especially lovely and livable community. Sperry's Department Store in the heart of downtown reflects the same traditions and values as its home town.

When J.B. Sperry arrived in Port Huron in 1893, he purchased the stock of a failed store. Beginning with little more than a dream and the willingness to work hard, the plucky founder slowly built a prosperous business. The simple retail store thrived on the growth of the city itself as well as the dedication and vision of Mr. Sperry. In 1923, Sperry's Department Store moved to its current location where it anchors a key corner on Huron Avenue.

Sperry's has always represented quality and service during its long history. Over the years, patrons have been able to depend upon the store's commitment to excellence. Generations of families have shared the experience of shopping there. Loyal customers were certain to find a friendly smile from the staff, capable assistance, and satisfaction with their purchases.

That same spirit extends to community involvement and civic participation. From the Santa Claus parade to redevelopment, Sperry's has consistently promoted the viability of downtown. Through bad years, temptations to leave, and debilitating road and bridge closings, Sperry's has rededicated itself to the city. When other stores left, they remodeled and expanded merchandise selection.

I ask my colleagues to join me in saluting Sperry's for 100 years of success and service. This vital and growing business now embarks on its second century. I have every confidence that the years ahead will see a glowing future for the city of Port Huron and Sperry's Department Store.

CONGRATULATIONS TO CHILDREN'S HOSPITAL MEDICAL CENTER

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. MANN. Mr. Speaker, please join with me in recognizing November 13, 1993, as Cincinnati Children's Hospital Medical Center Day. On this date, a new hospital tower will be dedicated at the center. For the past 110 years, Children's Hospital in Cincinnati, OH, has been dedicated to helping infants, children, and adolescents throughout the Nation. Within the past 60 years, Children's Hospital has worked diligently to advance medical knowledge and pediatric care through clinical and laboratory research.

Children's Hospital Medical Center serves more patients than any pediatric emergency room and has the largest pediatric residency program in the Nation. Through excellence in diagnostic capabilities, medical care, and surgical expertise the medical center has earned an enormous amount of respect from people throughout the medical field.

Children's Hospital Medical Center recognizes its increasing responsibility in helping resolve complex health care problems. Children's Hospital also realizes that the everyday health care problems such as the common cold are just as important. By opening up the hospital tower, the quality of patient care services for the seriously ill and injured children will become even better.

Please join me in offering Children's Hospital Medical Center wholehearted congratulations on the dedication of the new hospital tower and the celebration of Children's Hospital Medical Center Day on November 13, 1993.

THE SIEGE IN KASHMIR

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. QUINN. Mr. Speaker, I rise today to bring to the attention of this body, the horrifying events currently occurring in the Indian state of Kashmir.

As we commence today's legislative business, a deadly siege continues around the holiest mosque in Kashmir. More than 200 men, women, and children are inside the mosque trying to prevent the desecration of a holy relic by Indian security forces. These same men, women, and children are trapped with little food, and few medical supplies.

On October 15, Indian forces fired without warning upon peaceful Kashmiris demonstrating against the siege. During the massacre, more than 40 were killed, and 200 wounded. Eyewitnesses have stated that as the demonstrators marched toward the mosque, they were fired upon by security forces. Even those attempting to aid the wounded and those trying to surrender came under fire.

Since the renewal of the Moslem separatist movement in late 1989 more than 1,700 Kashmiris have been killed.

I urge President Clinton to pressure the Indian Government to end its siege immediately.

A SALUTE TO THE TRINIDAD ALL-STEEL PERCUSSION ORCHESTRA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. TOWNS. Mr. Speaker, it is my pleasure to acknowledge the efforts of the Trinidad All-Steel Percussion Orchestra [TASPO] for its monumental contribution as musical pioneers. In 1951, this group introduced steel band music to the international music world. This weekend in Brooklyn, NY, an all-star thank

you concert will be held at the Whitman Hall, Brooklyn Center for the Performing Arts, Brooklyn College. The concert will feature contemporary stars, who will salute these musical trailblazers.

The story of TASPO is legend throughout the Caribbean world. Their initial appearance at the Festival of Britain in 1951 marked the beginning of a fledgling musical movement and sound that is now synonymous with the Caribbean. Of the original 10 members of the band 8 are still alive. The "Thank You, TASPO" concert is a benefit for the Trinidad and Tobago Folk Arts Institute, a research-oriented think tank whose focus is the indigenous folk culture of Trinidad and Tobago.

It is my pleasure to acknowledge the contributions of this remarkable and innovative group.

SMALL BUSINESS: THE BACKBONE OF OUR ECONOMY

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. KYL. Mr. Speaker, small business is the engine that drives our Nation's economy. I am not alone in thinking this, since this week's issue of Forbes magazine says that smaller companies have created virtually all of the country's new jobs.

In its annual selection of the "200 Best Small Companies in America" Forbes ranks two companies located in Phoenix, AZ, and I recognize them today. Swift Transportation is one of the largest trucking companies in the State of Arizona, and Three-Five Systems manufactures and distributes electronics. These and the other 198 companies have the best job-and wealth-creating possibilities in the small business world, according to Forbes.

Small business employs almost 60 percent of the private work force and contributes 44 percent of all sales in the United States, along with 38 percent of the gross national product. Arizona's economic health is dependent on small businesses, and the national economy relies on them as well. The small business sector is expected to generate 75 percent of all new jobs in the next 25 years.

I congratulate Swift Transportation and Three-Five Systems for their accomplishments and wish them every success in their future endeavors. I applaud the efforts of each small business that is working to create the jobs and economic growth that will keep America competitive. Small businesses have the vision, energy, and innovation that will improve our economy and put us back on the road to economic growth.

CONGRESSIONAL MEDAL OF HONOR PENSION INCREASE, H.R. 3341

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 3341, legislation that will increase the monthly pension provided to the recipients of the Medal of Honor from $200 to $400. As a cosponsor of this legislation, I commend the gentleman from Kansas [Mr. SLATTERY] for introducing this worthwhile legislation. Under the leadership of the ranking member, the gentleman from Mississippi [Mr. MONTGOMERY], and the ranking minority member, the gentleman from Arizona [Mr. STUMP] the House Committee on Veterans' Affairs has shown a true commitment to the issues that affect our Nation's servicemen and women.

I am proud that the Members of the 103d Congress have approved a number of significant legislative initiatives that will positively benefit our Nation's veterans. However, we must continue to work on behalf of the servicemen and women who have given so much to our Nation. As a nation, we, must support the recipients of the Congressional Medal of Honor. Their valiant service has earned them the highest military decoration that the United States offers. Furthermore, considering that the monthly stipend has not been increased since 1978, I believe that this monthly increase is long overdue.

Mr. Speaker, the approval of H.R. 3341 is just one more way that we will continue to support our Nation's veterans who have given so much for the freedom and the liberty that we all enjoy.

A REPUBLICAN SWEEP

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. FRANKS of New Jersey. Mr. Speaker, yesterday the people of New Jersey, Virginia, and New York City elected Republicans to their highest offices. This electoral sweep comes on the heels of Republican victories in special elections for the Senate in Texas and Georgia, as well as mayoral wins in two Democratic bastions, Jersey City and Los Angeles.

While I am pleased that Republicans nationwide did well last night, I am especially gratified with Christie Whitman's victory over New Jersey Governor Jim Florio. Throughout that campaign, most of the press and pundits were predicting a Florio win. The polls even had Christie trailing Mr. Florio right up until election day. Last night, however, the people of New Jersey proved the polls, press, and the pundites wrong.

The voters of New Jersey also returned Republican majorities to the State assembly and State senate, ensuring effective government in Trenton. Working with her Republican colleagues in the State legislature, I am confident that Christie will be able to turn New Jersey around after 4 years of economic stagnation. I wish her well.

THE 75TH ANNIVERSARY OF PORT OF TACOMA

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. DICKS. Mr. Speaker, I want to join my colleague, Mr. KREIDLER, from the State of Washington in honoring the Port of Tacoma on the occasion of its 75th anniversary.

The history of the city of Tacoma is very much connected to the development of one of the west coast's and the Nation's finest deepwater ports. In its early days, Tacoma was a hub of commerce because of its geography and because of its location as the terminus of the Northern Pacific Railroad. It continues today as one of the most modern and efficient ports in our Nation.

Mr. Speaker, as the Representative of the Tacoma area and the Port of Tacoma throughout the past decade of growth and development, I want to take this opportunity to mention to my colleagues how important shipping and international trade has been to the sixth Congressional District—and now also to the new 9th Congressional District of Washington.

The Port of Tacoma was established in 1918 at Commencement Bay, and over the years has grown from its original 240 acres to its current size of 2,400 acres. Today it is a highly diversified port, handling containerized cargo, lumber and forest products, automobiles, ores, and electronics. The Port of Tacoma is now the 6th largest and the fastest growing container port on the west coast and the major engine of economic growth in Pierce County and southern Puget Sound.

This growth has created and sustained jobs in our State for three-quarters of a century, and today I believe it is appropriate that we recognize this important milestone here in the House of Representatives as it is being celebrated in the city of Tacoma.

ADMINISTRATION'S REFORM OF THE PENSION BENEFIT GUARANTY CORPORATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. GOODLING. Mr. Speaker, while the issue of health care security has lately riveted the attention of the Members of this body, I want to also bring to the attention of my colleagues another initiative which is aimed at securing people's hard earned pensions. This proposal, which has been advanced by the administration to reform the Pension Benefit Guaranty Corporation [PBGC] single-employer termination insurance program, the Retirement Protection Act of 1993, takes an important step in the direction of addressing the well documented problems of the PBGC.

The PBGC was created in 1974 under ERISA title IV in order to guarantee the private pension benefits of employees and retirees in the event their company goes bankrupt and leaves their pension plans less than fully funded. In PBGC's 1992 financial statement the

single-employer fund established to make up any pension shortfall is said to be underfunded by over $2.7 billion. Subcommittees of both my Committee on Education and Labor and the Ways and Means Committee have held a number of oversight hearings to determine the true extent of PBGC's problems and the remedies that may be needed to avoid such a taxpayer bailout.

At these hearings, the U.S. General Accounting Office [GAO] testified that the PBGC has made significant progress in financial management in the last several years under the leadership of the former PBGC executive director, James B. Lockhart III. However, the GAO considers more important the fact that problems beyond the PBGC's control continue to mount, posing multibillion-dollar risks, thus creating a need for Congress to act.

The current cash flow accounting used in the Federal budget to measure the effect of PBGC's evolving obligations is also inadequate. For example, the number of PBGC insured plans has already declined 43 percent, so that only 67,000 defined benefit plans remain in the system. This presents an additional challenge to maintaining the program on a self-supporting basis that is maintained solely from the premiums levied on all covered defined benefit plans, and initially set in 1974 at $1 per plan participant, to pay for any PBGC shortfall. In fact, per capita premiums have escalated to $19 for fully-funded plans and to $72 for badly funded ones. These 2,000+ percent increases have not stemmed PBGC's flow of red ink. The increasing risk which has to be carefully weighed is that merely increasing premiums on the well-funded plans may accelerate their exit from the system, thus shrinking the tax base on which to levy the premiums necessary to finance present and future deficits.

In response to PBGC's current problems, the administration's reform proposal targets improved funding security for the participants covered in underfunded pension plans. Broad incentives to encourage faster funding for underfunded pension plans are at the heart of the reform proposal. Restrictions on certain transactions which would adversely affect seriously underfunded plans are also included. In addition, the proposal would require underfunded plans to provide pension participants with pertinent information regarding the plan's current funding, the role of the PBGC, and the status of individual benefits.

I commend the administration's efforts to increase the protections for our Nation's pensioners. Without timely and major reform to the PBGC insurance program, the retirement income security provided by our private pension system will continue at risk. For this reason, I urge my colleagues to closely study the several legislative approaches that have been introduced so that the debate over this important retirement income security issue can proceed expeditiously.

NISSAN, WORKERS DESERVE RECOGNITION

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. GORDON. Mr. Speaker, I rise today to congratulate the 5,800 Tennesseans who work with Nissan Motor Manufacturing Corp. U.S.A. in Smyrna, TN.

Nissan's plant in my home State of Tennessee has recently been recognized on two counts: As a manufacturer of an outstanding product and as a model employer.

The Nissan Altima, which is built in Tennessee, was named the 1993 Import Car of the Year by Family Circle, the world's largest-selling women's magazine. The Family Circle Car of the Year Award is the only consumer magazine-sponsored automotive award program based entirely of the opinions of new car buying families. The thousands of carowners who participated in Family Circle's survey said the Altima is the import car that best meets the needs and standards of American families. The Altima was a winner in the survey, which rated its performance, safety, appearance, value, durability, space, comfort, and suitability for intended use.

I agree with Jerry Benefield, president and CEO of the Smyrna plant, who said when he accepted the award:

I'm proud of our employees, who make this award possible. It's gratifying to know that the Import Car of the Year is made right here in middle Tennessee. We know we build a high-quality product in Smyrna. This award helps to confirm that message to the rest of the world.

Nissan is rightly proud of its high-quality vehicles and of its place in the middle Tennessee community. Last month, our Governor presented Nissan an award from the Tennessee Committee for Employment of People with Disabilities. The Employer of the Year Award honored Nissan for its efforts in recruiting and hiring people with hearing disabilities. In its nomination, the League for the Hearing Impaired in Nashville said:

Nissan goes out of its way to make its hiring and work environments encouraging to all disabled applicants, regardless of disability.

Nissan and its employees work hard to make the company a place where excellence is the goal, both among people's lives as well as on the shop floor. These awards demonstrate that their efforts are well spent.

I congratulate the employees of Nissan Motor Manufacturing Corp. U.S.A. for both of these outstanding accomplishments. They deserve our praise.

CENTENNIAL OF JONES, DAY, REAVIS, AND POGUE

HON. ERIC FINGERHUT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. FINGERHUT. Mr. Speaker, I rise today to call attention to a very special event in the Greater Cleveland community: The centennial anniversary of the founding of the law firm Jones, Day, Reavis, and Pogue. Since its establishment 100 years ago in Cleveland, OH, Jones Day has lived up to its commitment "to deliver the highest quality legal services to each of its many clients." It is due to this commitment that the firm has grown from the single office in Cleveland to 20 offices in 10 countries.

The backbone of Jones Day quite simply is its people. The skilled lawyers and competent staff work together to benefit every client. Many of its lawyers are noted for their excellence. In 1993 one of the partners had the honor of serving as the first woman president of the Ohio State Bar Association.

Jones Day has many clients ranging from large corporations to small businesses, estates, religious institutions, universities, as well as individuals. Because of this diversity of clientele, the lawyers of Jones Day are regularly challenged with interesting issues in assorted practice areas.

Jones Day takes pride in the fact that its attorneys are among the leaders in law firms across the Nation in the application of technology to law practice. The firm has a sophisticated computer network and a voice and data communications system tosupport its facilities. The objective of these systems is to ensure that the lawyers have the resources to provide the most efficient delivery of legal services.

Not only do Jones Day lawyers work for the benefit of their clients, they also work for the betterment of the communities. Jones Day lawyers are encouraged to participate in public service activities, including pro bono work. As a firm, Jones Day undertakes many law-related charitable endeavors that are of general public interest. This work includes volunteering as tutors and mentors at an inner city school through the adopt-a-school program and donating time and money to the United Way.

Were it just for their success in the practice of law, this centennial would simply be noteworthy. But Jones Day means much more to the Greater Cleveland community. The lawyers of Jones Day, recognizing their unique role in our community, have been in the forefront of every major civic and governmental activity of recent decades. Time and again, they have given of their time and financial resources for the greater good. It is for this reason that their centennial is a celebration that is worthy of notice by the Congress of the United States.

These prominent features of Jones Day combine to make it one of the foremost law firms, not only in the United States, but in the world. Perhaps this is why the National Law Journal's May 1993 survey cited Jones Day as the second most used law firm among the Nation's 250 largest corporations in 1992. I hope that you will join me in congratulating Jones Day on its first 100 years and wishing it well for the next 100 more.

CALLING FOR AN END TO THE ARAB BOYCOTT

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. SWETT. Mr. Speaker, the Arab League economic boycott of Israel has been a tool of economic warfare directed at that nation since its birth in 1948. To call an end to this belligerency, today I joined with some of my colleagues in introducing legislation which expresses the strong conviction of Congress that the Arab League boycott of Israel must be ended. We also urge that in every appropriate international trade forum the U.S. Government continue to raise the boycott as an unfair trade practice.

The Arab League boycott seeks to isolate the Israeli economy through primary, secondary, and tertiary boycotts. The damage to Israel's economy caused by this boycott is incalculable, but the cost is substantial. While the primary level of the boycott prohibits import of Israeli-origin goods and services into boycotting countries, the boycott has been applied at secondary and tertiary levels, which acts as a barrier to U.S. exports. Even Kuwait, where we risked and lost American lives during the Persian Gulf war, has not lifted its application of the boycott.

Mr. Speaker, this far-reaching effort has hurt Americans. In trying to destroy Israel's economic and military viability, theArab League also directs its boycott at any company that has business contacts with Israel. American companies, forced to choose between doing business solely with Israel or with the Arab countries, have suffered indeterminate loss of opportunity and potential employability of Americans. United States companies consistently have felt the economic hardship of this secondary and tertiary level of boycott, with over 400 American firms believed to be on an Arab blacklist.

The signing of the Declaration of Principles between the Israeli Government and the Palestine Liberation Organization and the ongoing peace talks between these two principles and other Arab countries signals a new era of cooperation in the Middle East. The climate surrounding these events makes this an opportune time to call on the Arab countries to life the economic boycott against Israel as a tangible symbol of their intention to keep the commitment they have made to establish a just and lasting peace in this region.

True peace in the Middle East can only be established and endure if there is economic cooperation in the region. This new cooperation must be extended to include trade relationships. Currently, the West Bank and Gaza survive solely on Israel's economy, the only nation that trades with this area and the country which the Arab League seeks to isolate. The continuation of this economic warfare will be a severe impediment to the prosperity of the region.

So far, the Arab response to a call for ending the boycott has been less than favorable, ranging from Syria's call for an expansion of the Arab blacklist to statements by the PLO that the boycott cannot be lifted without a unanimous vote by the Arab League. This Arab entrenchment makes one question the sincerity of their peace commitment.

Mr. Speaker, Israel has taken substantial risks in pursuit of peace, and it has assumed those risks in no small part because of its confidence in the unwavering support of the United States. To follow through with our commitment, I urge all of my colleagues to join me in supporting this legislation and demand an immediate end to this economic warfare.

Now is the time to take advantage of the recent advances toward peace and bring a long overdue end to this unfair practice. Ending the Arab economic boycott against Israel must be a top priority of Congress and the administration to secure peace in this region.

COMBATING ETHNIC INTOLERANCE IN ROMANIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. HOYER. Mr. Speaker, earlier this month, the Congress voted to support the administration's request to grant most favored nation [MFN] trading status to Romania. I was among those Members who spoke in favor of MFN when it came to the floor for debate on October 12, 1993.

I stressed at that time, however, that I would be monitoring developments carefully, as I fully expected progress in Romania's democratization process and human rights performance to continue. As co-chairman of the Helsinki Commission, I attach particular importance to Romania's compliance with the human dimension commitments of the Conference on Security and Cooperation in Europe, the CSCE. This includes the commitment to "take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity, and to protect their property."

Respect for this commitment is particularly urgent with regard to Romania's substantial Roma—Gypsy—population. Over the past 3 years, at least 20 attacks on Roma communities have occurred. Most recently, on September 20, 1993, in the village of Hadareni, an altercation between members of the Roma—Gypsy—and non-Roma community in which one non-Roma villager was killed led to the lynching of three Roma individuals and the destruction of 13 Roma houses by several hundred non-Roma villagers. Most of the more than 100 Roma who lived in the village fled in fear. Particularly troubling are allegations that the deputy mayor of Hadareni, Gheorghe Bucur, played a role in instigating the assault.

The Government of Romania promptly issued a statement expressing serious concern over these events, and noted that measures have been taken to investigate the case and bring incriminated persons to trial. The Government also offered financial support to rebuild the homes that had been destroyed, and to school and lodge the children of the affected families. I commend the Romanian authorities for their attention to this matter, and will follow with interest the proceedings of the investigation. In this regard, I appreciate the efforts of the Romanian Embassy to keep me informed of the latest developments. I have also been told that the head of the local police department has been dismissed for his failure to coordinate an effective response.

I am deeply concerned, nonetheless, by certain elements of the Government response. The statement opens, for example, by asserting that the behavior of Roma families illegally settled in the area, "culminating in the cold blood killing of a young man, stirred the spontaneous reaction of the other inhabitants of the village." Such charged language conveys the strong impression that the Romanian Government considers the Roma community itself to bear responsibility for the attack it endured.

I am aware that in previous cases, Romanian authorities have offered to work with local Roma organizations and representatives to improve community relations and to protect the rights of Roma. Such constructive approaches are essential, but the gravity of this most recent incident indicates a need for renewed commitment and cooperation. I would urge my Romanian colleagues to reassert publicly and persistently that acts of collective punishment and vigilante justice can never be acceptable in a state governed by the rule of law; to ensure that attacks on Roma communities are clearly and publicly condemned by political authorities at all levels; to speed the investigations of violent attacks against Roma and to bring the perpetrators to justice; and to recognize and condemn the poisonous effect that negative stereotyping can inflict not just on the targeted community, but on society as a whole.

At this difficult time in Romania's transition to democracy, and given the destabilizing conflicts in the region, respect for individual human rights becomes all the more critical. I look forward to continued dialogue and cooperation from my Romanian interlocutors, and urge that the aggressors in this case will be brought swiftly to justice.

THE 75TH ANNIVERSARY OF PORT OF TACOMA

HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. KREIDLER. Mr. Speaker, today the Port of Tacoma, located in my district, is celebrating its 75th anniversary as a public port authority.

As early as 1871, sailing ships carried lumber from Tacoma's waterfront to foreign destinations. The Port of Tacoma became a major shipping center after Tacoma became a major railhead in 1887. A public port authority was not established, however, until 1918.

Tacoma came to be known as the Lumber Capital of the World. Even today, the Port of Tacoma is America's leading forest products port by value.

In the 1970's, Tacoma attracted its first container shipping customers. In 1983, Sea-Land signed a long-term lease with the port and Tacoma took off as an intermodal port. Today,

the Port of Tacoma is the sixth largest container port in North America and one of the top 25 container ports in the world.

Two of the keys to the Port of Tacoma's success have been its extraordinary efficient longshore work force and its use of state-of-the-art intermodal technology. The Port of Tacoma is now implementing its 2010 plan which will enable the port to expand its terminal facilities to meet the challenges of the 21st century.

I am proud of the role played by the Port of Tacoma as an economic engine for my congressional district and the entire Puget Sound region. I salute the port on its 75th anniversary and wish it continued success in the years ahead.

HERBERT AND MARY MILLER CELEBRATE 40 YEARS OF WEDDED BLISS

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. POSHARD. Mr. Speaker, in an era when many are concerned with the demise of the institution of marriage and the family unit in the United States, I rise today to honor Herbert and Mary Isabelle "Belle" Miller of Pope County, IL, on the occasion of their 40th wedding anniversary. Herbert and Mary were married November 8, 1953, in Nahaunta, GA. Herbert and Mary will gather with their children, Tony and Debbie, and the rest of their family and friends on November 8, 1993, to celebrate this joyful occasion.

Herbert and Mary have actively contributed to life in southern Illinois, participating in social, civil, and religious affairs. Herbert is retired from Central Illinois Public Service Co. with 18½ years of service, and International Brotherhood of Electrical Workers as a business agent for 18½ years. Belle has dedicated her life to raising her children and being a homemaker.

Although, this anniversary may not make the national headlines, I believe we all could benefit from the fine example set by Herbert and Belle. Their commitment to marriage and family has prevailed through good times and bad. This feat, no doubt, required a tender balance of respect, humor, love, and affection. I join with the family and friends of this wonderful couple in celebrating this joyous occasion. To Herbert and Pauline, my heartfelt thanks for all you have done for all those whose lives you have touched.

RECOGNITION OF THE ACHIEVEMENTS OF MS. ESTELA M. DE LA CRUZ, MR. ARIEL ANTONIO RODRIGUEZ, AND JUDGE MARIANNE ESPINOSA MURPHY, MEMBERS OF THE HISPANIC BAR ASSOCIATION OF NEW JERSEY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. MENENDEZ. Mr. Speaker, I rise today to congratulate Ms. Estela M. De La Cruz of Fort Lee, NJ, who is being sworn in as the new president of the Hispanic Bar Association of New Jersey. Ms. De La Cruz brings with her the experience of a long and notable career in the practice of law in New Jersey.

A graduate of the Rutgers School of Law in Newark, Estela has been associated with three prominent New Jersey law firms, and has built a reputation as an outstanding attorney. Her dedication to her profession and to the community is commendable.

Estela has served since 1992 as a member of the Governor's Commission on Racism, Racial Violence and Religious Violence, and as a member of the Supreme Court of New Jersey Fee Arbitration Committee for Bergen County, district II–B. She also serves as a trustee of the United Way of Essex and West Hudson C÷ounties. During her upcoming term as president of the Hispanic Bar Association of New Jersey, I expect that Ms. De La Cruz will continue to grow as a leader in the legal community.

Mr. Speaker, the Honorable Ariel Antonio Rodriguez of North Bergen, NJ, is another notable member of the Hispanic Bar Association. Through his work he has made significant contributions to the State of New Jersey and Hudson County.

Judge Rodriguez, born in Cuba, is fluent in Spanish, English, and French. He received his juris doctor from Rutgers School of Law in Camden and has furthered his legal education through various prestigious universities throughout the country, including Northwestern University School of Law and Harvard Law School.

Judge Rodriguez has considerable experience, including 8 years as a partner at Iglesias & Rodriguez, Esqs. He has dedicated many years of his professional career to the State of New Jersey, and presently is serving the Superior Court of New Jersey in vicinage VI. He has been affiliated with the Hudson County Community College where he instructed Law in the Criminal Justice Program and with the Hudson County Prosecutor's Office where he served as an assistant prosecutor.

Judge Rodriguez is an active member of various professional and legal organizations. He is a member of five Supreme Court committees, as well as, a member of the advisory board of editors of the Bilingual Dictionary of Criminal Justice Terms and the State Bar Committee on Effective Dispute Resolution.

Knowing of Judge Rodriguez's commitment and dedication to Hudson County, the State of New Jersey and the Hispanic community, I am confident he will continue to strive for excellence and that he will excel in his pursuits.

Mr. Speaker, Judge Marianne Espinosa Murphy of Chatham, NJ, has excelled beyond most in her career, achievingpositions in the private and public sectors. In 1986 she was appointed by Governor Thomas Kean to the Superior Court of New Jersey in Morris County where she continues to serve with distinction.

Judge Murphy graduated from Rutgers Law School in Newark and proceeded to serve as a law secretary to the Honorable Richard J. Hughes, the chief justice of the Supreme Court of New Jersey. She has served as the deputy attorney general for the department of law and public safety where she prepared the position paper for the attorney general on the death penalty following Gregg versus Georgia. She also served as assistant counsel to the Prudential Insurance Co. and as the assistant U.S. attorney in the Criminal Division District of New Jersey.

Judge Murphy's unparalled experience and commitment merit recognition, I am sure she will continue to serve the State of New Jersey in some future capacity.

I am confident that my colleagues join in recognizing the achievements of these distinguished members of the Hispanic Bar Association of New Jersey and join me in saluting all the members of the Hispanic Bar Association of New Jersey for their service and dedication to the community at large.

CHIEF CORNELIUS J. BEHAN RETIRES AFTER 47 YEARS OF SERVICE IN THE LAW ENFORCEMENT PROFESSION

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mrs. BENTLEY. Mr. Speaker, my fellow colleagues, I rise today to recognize Baltimore County Police Chief Cornelius J. Behan who will be honored on November 7, 1993, as he enters retirement from his 16 years of dedicated service to the Baltimore County Police Department and the citizens of Baltimore County, as well as his 47 years in the law enforcement profession.

In his 47 years of law enforcement, Chief Behan has added a new dimension to the law enforcement profession. He is a man who believes the work of the police is equatable to that of a priest. In terms of mission, they both are revered as holding true to the ideals of honesty and moral rectitude, and are both responsible for the welfare and propriety of the community. Chief Behan has been exemplary in fulfilling this role.

The innovations Chief Behan enacted have become paragons for community policing techniques and have gained him international prominence. His influence has reached far beyond Baltimore County, as he has become one of a handful of policemen who set the national agenda for local departments around the Nation and abroad. In a Baltimore Sun article, John E. Eck, executive director of the Police Executive Research Forum, is quoted as saying, "He'll leave a major legacy in the profession of law enforcement."

Among his major accomplishments, Chief Behan fought tremendously hard to establish responsible gun control laws. In 1988, he carried his gun-control campaign to the Maryland General Assembly, where he was influential in shaping the State's new law restricting the purchase of handguns. To cope with the changing patterns of crime and community development in the 1980's and 1990's, he reorganized and modernized the Baltimore County Police Department with innovations in training, management style, crime-prevention and fear-reduction programs, community policing implementations, and advanced technical support. These innovations transformed the department into a crime-fighting and crime-prevention organization. Yet, Chief Behan cites his most important accomplishment as, "developing the 1,400 member Baltimore County department to a point that would allow someone from within to succeed him." This goal was achieved when Col. Michael D. Gambrill, a veteran of the Baltimore County Police department, was sworn in as the new chief on September 20, 1993.

Mr. Speaker, my fellow colleagues, it is with great pleasure and pride that I congratulate Chief Cornelius J. Behan upon his retirement from 47 years of devoted service to law enforcement. His work with the Baltimore County Police Department is most deserving of commendation. I extend my best wishes to Chief Behan for many more years of continued success and happiness.

A STRONG MESSAGE TO THE MIDDLE EAST

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. DEUTSCH. Mr. Speaker, today, I am introducing legislation which calls on the nations of the Arab League to end their boycott of Israel. The Arab boycott of Israel was instituted in 1948, its motive to isolate Israel and to deny her very existence.

The new commitments to cooperation that today abound in the Middle East must be backed up by concrete action. By lifting the boycott the nations of the Arab League demonstrate their good faith effort to secure a lasting resolution of tensions and hostilities.

It is ironic that the only nation in the Middle East that trades with the West Bank and Gaza Strip is Israel. The West Bank and Gaza's mainly Palestinian residents survive on an economy whose lifeline is the nation whose existence the Arab League seeks to deny. If the nations of the Arab League continue with their boycott, they put the economic prosperity of the West Bank and Gaza on the line.

Without a stable economy, the areas soon to be under PLO control are likely to fall to the influences of terrorist organizations. Daily, we hear about the killings of Israeli soldiers and Palestinian residents who support the accord. And, yesterday the first plot to assassinate Chairman Yasser Arafat was uncovered from within his inner circle.

The stakes in the peace agreement are very high, and a strong showing of support is critical to its survival. Economic revitalization is the cornerstone of the Declaration of Principles signed by Israel and the Palestine Liberation Organization on September 13, 1993. If there is true support for this agreement, then lifting the boycott is the next logical action.

Recently, I had the opportunity to participate in a discussion with President Mubarak of Egypt. While Egypt does not actively participate in the boycott, I raised the issue of the boycott's effect on further negotiations and a lasting Middle East peace. The President's response left me dumbfounded. He stated that there was, in practice, no boycott of Israel, and the only aspect of the boycott that remained was the daily rhetoric that is the fodder of official public statements.

We are now in the 45th year of the Arab boycott and, Mr. Mubarak is correct, that the rhetoric used to enforce the psychological alienation of Israel has not changed. However, his statement that there is no longer an economic boycott of Israel is altogether false.

On October 29, the New York Times reported rumors of a lucrative natural gas deal between Israel and Qatar, one of the nations of the Arab League. However, the Qatari Oil Minister, when asked to publicly confirm the rumor denied that there was any deal in the works. He was quoted as saying that economic relations are not possible while the Arab boycott against Israel remains intact.

In the early 1950's, the United States was drawn into the economic fray of the boycott when the Arab League chose to blacklist firms worldwide which did business with Israel. To this day, many of the names on this list are U.S. companies. On a quarterly basis, the Department of Commerce compiles figures on the number of letters that U.S. firms receive asking that they comply with boycott regulations. Under U.S. law, providing evidence of compliance with the boycott is illegal.

Astonishingly, the United States counts among its allies many of these nations which intentionally and indiscriminately damage U.S. commercial interests abroad. And yet, until now the U.S. Government has brushed aside this issue, and to date, there has been no diplomatic price to pay. The time for allowing these nations to deliberately harm U.S. economic interests abroad must end.

As the discussion with President Mubarak came to an end, I approached him with a list of U.S. firms that were suffering under the Arab boycott. He had no real response to the evidence that confirmed the boycott was more than mere rhetoric.

If the framework of the peace agreement is to survive the difficulty of negotiations that are to follow, there must be a unanimity of commitment among the United States, Israel, and the Arab nations. To this end, the Arab League boycott of Israel is a serious impediment that strikes a blow of no confidence.

I ask my colleagues to join me in sending a strong message to all of the nations of the Middle East. As American lawmakers, we will no longer tolerate American allies holding U.S. firms hostage to a boycott which they can not and will not support. If the Arab nations support peace, then the boycott of Israel must be lifted.

VIOLENCE ON TV

HON. PETER W. BARCA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. BARCA of Wisconsin. Mr. Speaker, I rise today to bring to the attention of my colleagues an issue that we shouldn't need to be discussing on the floor of the House of Representatives—a television cartoon.

It has been reported that the cartoon in question may have contributed to a situation in Moraine, OH, which led to the unnecessary death of a 2-year-old girl. The 2-year-old's brother, who is 5, started a fire in a mobile home earlier last month that led to the tragedy. The young boy watched the MTV cartoon "Beavis and Butt-head," which features two teenagers who comment on rock videos and spend time burning and destroying things. The two characters apparently had stated, "fire is fun." The cartoon is aimed at teenagers and adults but is viewed regularly by many young children because it airs at 7 o'clock in the evening on weeknights.

Regardless of whether there was any connection between the cartoon and the young child's death, one message should be clear: impressionable young children should not receive a message from any source that playing with fire is fun.

Many of the efforts of fire fighters, teachers and parents to warn children about the dangers of fire are diminished and dismissed when messages are sent from TV shows that playing with fire is in anyway acceptable, much less positive.

Mr. Speaker, I am speaking on this topic because I believe that the issue of violence and irresponsible behavior which is perpetuated by certain television shows, especially those that are watched by young people, must be further addressed by Congress.

As the father of two young children, I believe the burden for ensuring that young people will some day contribute positively to society falls on parents such as myself. But the entertainment industry must do its part to not complicate that job, and Congress should encourage it.

My office has been in contact with MTV and the producers of this program should know that there are probably better times than 7 o'clock in the evening to air shows with this type of content and there are better subjects for the show than encouraging young people to play with fire. To MTV's credit, the network has responded by pulling the episodes that promote childplay with fire and by committing to review the format and content of any shows aired that early in the evening. I ask my colleagues to join me and several national fire prevention organizations in calling on MTV to agree to air public service announcements promoting fire safety and hope that they will also respond positively to this reasonable request.

INTRODUCTION OF THE SECURITIES REGULATORY EQUITY ACT OF 1993

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. MARKEY. Mr. Speaker, today, I am pleased to cosponsor, along with Chairman DINGELL, the Securities Regulatory Equality Act of 1993. This legislation responds to the critical need for a clarification of the rules of the road governing the participation by banks in the securities business. Congress can no longer hide behind the fiction that a separation between the commercial and investment banking industries exists. The Glass-Steagall Act has, in salient part, been repealed by the bank regulators, the courts, and the aggressive push by banks into the securities field. The two industries are merging rapidly and substantially, with few if any rules to ensure that investors are not injured in the inevitable collision between two still very different businesses and cultures.

Today, banks' current interest in mutual funds raises with fresh urgency the question of whether investors are being properly protected, whether they understand that converting their CDs into securities offers no guarantees and places their principal at risk, and whether they are properly shielded from the conflicts of interest that may arise when a bank affiliates with a mutual fund. Currently, about one-third of all mutual funds are available through bank channels, and banks are turning increasingly toward proprietary funds for their sales. These are not necessarily bad developments. However, those who purchasefunds at their bank—especially those who abandon the safety of CD's for the higher potential returns of mutual funds—are among the less sophisticated and more vulnerable of the Nation's investors.

The absence of a clear roadmap for how banks should engage in securities activities is increasingly noticeable. But what is lacking above all is a clear delineation of who the traffic cops are whose job it will be to regulate this brave new world of financial juggernauts. For some time now, I have been advocating so-called functional regulation as the best means of ensuring that both bank depositors and securities investors, respectively, are protected. What functional regulation recognizes is that the best agencies to protect banks and their depositors are the experts in bank regulation, the banking regulators, and that the best agency to protect investors is the expert in securities regulation, the Securities and Exchange Commission [SEC].

Currently, regulation occurs somewhat whimsically, along institutional lines. Such regulatory whimsy results in disparate rules for investors depending on what building they choose to enter for purposes of buying their stocks, bonds, or mutual funds. The products are the same, but the rules applicable to their sale may well not be. But whether an investor walks into the bank on the corner or the brokerage branch in the local mall should not affect the quality and substance of the protection he or she is provided.

Accordingly, the bill we are introducing today would require banks that engage in securities activities to conduct them within the established framework for doing so. In addition, our bill addresses certain issues in the securities laws raised by the affiliation of banks with securities firms. For example, the bill prohibits the use by a bank-affiliated mutual fund of a name that is the same as or similar to the name of the bank. The risk of confusion to the investor—the mistaken belief that the product is federally insured or backed by the bank—is substantial if the names are easy to confuse.

I am aware that Chairman GONZALEZ and Congressman SCHUMER have recently introduced legislation that seeks to accomplish some of these same goals. I applaud them for the concern for investors demonstrated by their bill. Their bill does, however, raise important issues about further balkanization of securities regulation by investing in the banking regulators' redundant authority to regulate securities activities—not only of banks but also of related securities entities. While proper disclosure to investors about the uninsured status of their investments is an important leap forward, reinforcing the current mismatched regulatory structure for no defensible policy reason would be a significant step backward. Ideally, the sound ideas to be found in both of these vehicles should be combined, so that better regulation, benefitting all investors, can be the result.

INTRODUCTION OF METRIC HIGHWAY SIGN PROHIBITION ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. WILLIAMS. Mr. Speaker, I recently introduced legislation that will permanently prohibit Federal funds from being spent on changing our Nation's highway signs to metric units, in addition to forbidding the Secretary of Transportation from ordering States to erect metric signs.

The 1988 Trade and Competitiveness Act requires all Federal Government agencies to convert to the modern metric system. It mandated that each agency must begin using the metric system except to the extent that such use is impractical. Suddenly converting all of our highway signs to the metric system is not only impractical, but expensive, unnecessary and potentially dangerous.

The scope of the conversion would be enormous. We are not only talking about changing every 55 mile-per-hour sign on major highways. This policy would force the change of signs marking clearance heights through tunnels and under bridges and overpasses. Every single mile post marker—soon to be kilometer post markers—in the country would need to be moved and renumbered. Distance markers to highway exists or towns and cities would need to be modified. Signs warning of the narrow bridge or lane width would need to be changed. Unnecessary? Try dangerous. Quick—you tell me if your car or truck will fit in a 2.7-meter lane.

Congress has reaffirmed this sentiment in the past. The 1978 Federal Aid Highway Act prohibited the use of Federal funds for metric-only signs—a ban that stood until the passage of the Intermodal Surface Transportation Efficiency Act [ISTEA] in 1991.

My legislation would make permanent the ban on Federal funds to construct, erect or otherwise place any sign which contains metric measurements.

The Department of Transportation is currently gathering comments on no less than three potential policies to change our road signs—and not one of them offers the option of simply saying no to this ill-advised policy. And, it is not far-fetched to imagine a mandate from above to require States to erect the new signs—at State and local expense. We simply cannot afford this. So, this legislation prohibits the Secretary from mandating this change.

Changing over some areas in our daily lives to metric may make sense in some areas. However, modifying our highway signs does nothing to promote international trade. It does nothing to keep businesses in America. It will cause confusion. Some estimates peg the national cost to converting the nations highway signs at more than $200 million. Those dollars can be better applied to fix our crumbling infrastructure. We must permanently stop Federal funds from being spent on such wasteful projects—and ensure the buck does not get passed onto our States.

IN SUPPORT OF H.R. 3340, COLA ADJUSTMENT FOR DISABLED VETERANS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 3340, legislation that will set a 2.6-percent cost-of-living adjustment [COLA] for compensation payments to veterans with service-connected disabilities. I commend the gentleman from Kansas [Mr. SLATTERY] for introducing this worthwhile legislation, and I praise the commitment that House Committee on Veterans' Affairs has shown to the issues that affect our Nation's servicemen and women. Under the effective leadership of the ranking member, the gentleman from Mississippi [Mr. MONTGOMERY], and the ranking minority member, the gentleman from Arizona [Mr. SUMP], the 103d Congress has approved a number of significant legislative initiatives that will positively benefit our Nation's veterans.

Mr. Speaker, passage of this legislation is just one way that we, as a nation, will continue to support our Nation's veterans who have given so much for the freedom and the liberty that we enjoy. By providing the cost-of-living increase, we are ensuring what eligible veterans have valiantly earned.

OSTEOPATHIC PHYSICIANS SHOULD BE INCLUDED IN HEALTH CARE REFORM

HON. JAMES A. BARCIA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. BARCIA of Michigan. Mr. Speaker, I rise today to introduce the Osteopathic Medicine Awareness and Appreciation Act, a House concurrent resolution recognizing the contributions of osteopathic medicine to health care in America.

Many Americans may be unaware of the fact that there are two paths to becoming a complete physician: the allopathic route, denoted by the initials M.D., and the osteopathic route, designated by the initials D.O. Osteopathic physicians are complete physicians, fully trained and licensed to prescribe medication, perform surgery, and all other services within a physician's scope of practice.

In addition to these shared elements between D.O.'s and M.D.'s, osteopathic physicians are dedicated to a holistic philosophy of health care, and receive extra training in the musculoskeletal system, the body's interconnected system of nerves, muscles, and bones that make up two-thirds of its mass. This training provides osteopathic physicians with a better understanding of the ways that an injury or illness in one part of the body can affect another. It gives D.O.'s a therapeutic and diagnostic advantage over those who do not receive additional specialized training. In addition to the traditional art of medicine, an integral component of osteopathic medicine is the utilization of osteopathic manipulative treatment [OMT], a procedure through which D.O.'s use their hands to diagnose injury and illness and to encourage the body's natural tendency toward good health. By combining traditional medical practices with OMT, D.O.'s offer their patients the most comprehensive care available in medicine today.

For more than a century, osteopathic physicians have been filling a unique and vital niche in the delivery of health care in America. Despite the fact that osteopathic physicians constitute only 5.5 percent—about 35,000 osteopathic physicians—of the Nation's physician-manpower, they are often the only physicians in rural areas, as well as those which traditionally have difficulties in attracting and retaining physicians. Osteopathic physicians in fact comprise more than 15 percent of all physicians practicing in communities with populations of less than 10,000 people and 18 percent of all physicians serving communities of 2,500.

In addition, osteopathic physicians serve approximately one out of every seven Medicare and 25 percent of all Medicaid recipients in the United States. Osteopathic physicians also comprise 10 percent of all physicians serving in the military. In all, over 100 million patient visits are made to osteopathic physicians annually.

Further, the unique focus of osteopathic medicine, with its guiding principle of treating the whole person, has rooted the profession in a philosophy which emphasizes primary care and prevention, and has contributed to making the profession one of today's fastest growing segments of the medical professions.

Mr. Speaker, one point on which virtually all experts on health system reform agree is the disproportionately high percentage of recent medical school graduates choosing to specialize in areas other than primary care, and their distribution nationally. Because of this fact, a significant and critical demand for primary care physicians has developed—a trend which will not easily be reversed. For more than 100 years, the osteopathic profession has trained more than 50 percent of its physicians in primary care areas. Today, over 50 percent of osteopathic physicians practice in primary care areas, such as pediatrics, general practice obstetrics/gynecology [OB/GYN], and internal medicine. While osteopathic physicians may choose to specialize, and are represented in all specialty areas, the osteopathic internship requires a unique rotation in internal medicine, OB/GYN, family practice and surgery. This unique educational requirement ensures that osteopathic physicians are first trained as primary care physicians.

Despite these significant contributions to American health care, many Americans remain unaware that there are two types of full physicians in the United States, D.O.'s, and M.D.'s. I am deeply concerned that in the wake of comprehensive health system reform—which may include the establishment of minimum benefits packages, health networks, and other managed care systems—the services of D.O.'s may be unintentionally excluded, causing the eventual demise of an important treatment option for many Americans.

That is why I am introducing this measure, which I strongly urge my colleagues to support. It is my hope that this resolution will provide a significant step toward ensuring that the vital services provided by osteopathic physicians remain available to any American seeking them. In addition, the osteopathic profession is doing something right in the battle to develop high numbers of primary care physicians: it is my hope that the Congress will seek the counsel of the osteopathic profession, and learn from the century-old example that it has set when we address this critical problem.